JAMMU AND KASHMIR

Conflicting Perceptions



Hari Om

ABOUT THE BOOK

Jammu and Kashmir is a very difficult and sensitive state. It consists of three historically, politically, geographically, culturally and economically distinct regions – Jammu, Kashmir and Ladakh – and houses people whose aspirations are more or less conflicting and mutually exclusive. This is a state where even a small issue culminates in major controversies and creates inter-regional tensions of extreme nature. The conflict in the state is basically ideological. This is what a peep into the history of Jammu and Kashmir clearly suggests. On the one hand, there are leaders in Kashmir whose demands range from independence to autonomy to self-rule to merger with Pakistan to India-Pakistan joint control over the state. On the other hand, an overwhelming majority of the people of Jammu and Ladakh stands for the state's full integration with India and application of the Indian Constitution to the state in full. They also consistently complain that they have never been treated fairly by the powers-that-be in the state and New Delhi. What happened in Kashmir and Jammu between June and August 2008 over the Amarnath land issue, which culminated in the fall of the Congress-led government in the state on July 7, 2008, established beyond any shadow of doubt that it was essentially a clash between two ideologies – one progressive and other regressive. The present work provides a dispassionate and comprehensive account of the nature of conflict between two regions.

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TO LATE MAHARANI YASHO RAJYA LAKSHMI

PREFACE

History Professors R S Sharma, Suvira Jaiswal and D N Jha claim that they are fully conversant with what happened during ancient times and that what they have written over the years in this regard is an accurate account of the Indian past. Professors Irfan Habib, Shireen Moosvi, Iqtidar Alam Khan, R L Shukla, to mention only a few, also make similar claims. So much so, they say that no one can contest what they have written about medieval and modern India. Each one of them also consistently claims that what they have written is based on facts and that their approach has all along been "objective" and "scientific". All of them are also known for their oft-repeated assertion that they have never distorted or suppressed facts and that it is the "rightwing" historians who could be accused of "distorting" or "suppressing" facts and "murdering" history. They consistently dismiss everything written by what they term as "rightwing" historians as "rubbish", "subjective", "biased", "unscientific" and "communally-motivated".

I respect these historians. Their contribution to the subject of history is splendid, notwithstanding their controversial and oft-repeated assertion: Ancient India was virtually uncivilized and barbarous; medieval India progressive, secular, accommodating and exceptionally tolerant; and modern India intolerant or anti-Muslim, anti-Dalit, anti-Christian, anti-farmers, anti-working class and anti-poor; and the Indian freedom struggle essentially a struggle of the Hindu bourgeois class. I respect them because I have always believed in the cardinal principle of historiography that facts are sacrosanct and interpretation of facts is the fundamental right of historians.

I will not exaggerate things if I may say so that these distinguished historians did cross the line when they objected to the agreement reached between the Jammu-based Shri Amarnath Yatra Sangharsh Samiti (SAYSS) and Jammu and Kashmir Governor, N. N. Vohra's administration on August 31 over the Amarnath land controversy and suggested that the same needed to be scrapped. Their concrete suggestion was : The government must take back from the Shri Amarnath Shrine Board (SASB) that piece of land at Baltal which it had diverted to it on temporary basis for use during the period of

pilgrimage, asserting the said "piece of land belonged to Kashmiri Muslims". The demand put forth by these historians did serve to indicate their ignorance about what led to the eruption of senseless violence in Kashmir in the last week of June 2008, as also about what provoked the people of Jammu to start a massive restore-land-to-SASB-movement on June 28.

These historians opposed the agreement basically on seven counts. One: "Over four weeks the agitators in Jammu were allowed by the administration to impose a blockade of Kashmir". Two: "Those whom...L K Advani and others call 'nationalists', committed crime, arson and mayhem in Jammu while waving the national flag". Three: "In the talks with the Jammu agitators through an all-party delegation headed by the Home Minister, the agitators secured exclusion of the representatives of the Kashmir parties despite an invitation issued to them". Four: "No compensation for those killed and injured by the army and police firings in the Kashmir Valley has been so far announced, in contrast to what was done swiftly in Jammu". Five: "...Revocation of the Governor's order of 28 June and the re-allotment of the 800 kanals of land 'exclusively' to the SASB". Six: "...The special concessions, under paras 9 and 10 of the agreement, about withdrawal of cases and compensation to agitators are confined to Jammu and not made applicable to the Kashmir Division". Seven: "...This deal (is)...unjust and provocative act". Besides, these historians wanted the government to "let them (Kashmiri Muslims) decide what to do with their land".

The upshot of their whole argument was that "by allowing them (Jammu agitators) to do (launch a movement against the decision of the Congress-led Government to revoke the May 26 land transfer order) so and by making concession after concession to them the Government of India cannot escape the stigma of colluding with them".

To write all this in the preface is not to suggest that these historians had no right to comment on the land controversy or express their views on the agreement reached between the government and the SAYSS. They had every right. They were the most distinguished members of our civil society and it was expected of them that they must come forward and help diffuse the situation. My only refrain is that it would have been better had they first looked into everything that generated a fierce controversy in the already rather sensitive and insurgency-hit

Jammu and Kashmir and then come out with well-considered suggestions. Had they done so, there would have been no adverse reaction in Jammu to what these historians said regarding the issue of land; none in Jammu would have accused them of adopting a "lop-sided approach" to the land controversy.

I must acknowledge at the very outset that it was the controversial approach of these historians and the bitter reaction in Jammu to that approach which motivated me to undertake a study of what led to the land row in the State and dispassionately put things in perspective. But this was just one of the two motivating reasons. The other was reaction in Kashmir to the decision of the government to divert a small piece of land to the SASB.

Was the Kashmiri leadership right when it described the diversion of 800 kanal of land to the SASB as "cultural invasion" and "Hindu aggression" on Kashmir; as an attempt on the part of the Union Government and its representative in the State, the Governor, to "change the Kashmir's demography by creating Hindu enclaves" near and around the Amarnath Shrine on the pattern of "Israeli policy in Palestine"? Was its argument valid when it and others in Kashmir, including the Kashmir-based opinion leaders and media persons, repeatedly said that the decision to divert Baltal land was designed to destroy the Kashmir's "fragile" ecology and "pollute" its "environment? Or, did the Kashmiri leadership give a communal orientation to a non-issue for gains political or otherwise? Or, was, in other words, the opposition of Kashmiri leadership to the official decision a manifestation of its communal approach to an issue the Hindus held very dear? These were some of the questions which, like the historians' views, motivated me to study the nature of land controversy and its impact.

The work, which is basically an eye witness account, consists of eight chapters and XVII appendices.

Before everything, I must place on record my sincere thanks to Member Parliament and former Union Minister, Karan Singh, and the Vice-Chancellor of University of Jammu, who gave an invaluable opportunity to handle the prestigious Maharaja Gulab Singh Chair. This assignment enabled me to devote most of my time to research pursuits and complete this work. I am indeed grateful to them.

My wife, Shashi Gupta, was as usual the source of sustenance and criticism. I admire her judgment on men and matters and her patience.

I also take this opportunity to express my thanks to Brigadier J. S. Rajput, Secretary, Maharaja Gulab Singh Memorial Trust. He was ever ready to respond to my pleas and requirements and facilitated my work.

My fellows, Kamal Kishore, Bikram Singh and Neeraj Jandial, a research scholar, also facilitated my job. I acknowledge their contribution and dedication.

In writing this book, I have tried my level best to give it an objective perspective. However, it is for the readers to draw conclusions.

Hari Om

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LIST OF ABBREVIATIONS

ACALT	:	Action Committee Land Transfer Order
AICC	:	All India Congress Committee
APHC	:	All-party Hurriyat Conference
BAJ	:	Bar Association Jammu
BD	:	Bajrang Dal
BJP	:	Bharatiya Janata Party
BM	:	Beopar Mandal
BPS	:	Brahmin Pratinidhi Sabha
CCI	:	Chamber of Commerce and Industries
CMP	:	Common Minimum Programme
CPI	:	Communist Party of India
CPI-M	:	Communist Party of India – Marxist
DM	:	Dukhtaran-e-Millat
DV	:	Durga Vahini
HJM	:	Hindu Jagaran Manch
HSS	:	Hindu Shiv Sena
HM	:	Hizbul Mujahiddin
JD	:	Janata Dal
JKDFP	:	Jammu Kashmir Democratic Freedom Party
JKLF	:	Jammu Kashmir Liberation Front
JKNPP	:	Jammu and Kashmir National Panthers Party
JKPCC	:	Jammu and Kashmir Pradesh Congress Committee
JSM	:	Jammu State Morcha
JKSASA	:	Jammu and Kashmir Shri Amarnathji Shrine Act
JKVM	:	Jammu Kashmir Vichar Manch
KHCBA	:	Kashmir High Court Bar Association
KP	:	Kshetriya Prachark
KRS	:	Kashyap Rajput Sabha
LUFT	:	Ladakh Union Territory Front
NC	:	National Conference
NDA	:	National Democratic Alliance
NSA	:	National Security Advisor

PC	:	People's Conference
PDF	:	People's Democratic Forum
PDP	:	People's Democratic Party
PP	:	Pranatiya Pracharak
PSP	:	Purv Sainik Parishad
RPA	:	Representation of People's Act
SASB	:	Shri Amarnath Shrine Board
SAYSS	:	Shri Amarnath Yatra Sangharsh Samiti
SDS	:	Sanatan Dharm Sabha
SSH	:	Shiv Sena Hindustan
SSS	:	Shiv Sena Samiti
UPA	:	United Progressive Alliance
UJC	:	United Jehad Council
VHP	:	Vishwa Hindu Parishad

CHAPTER – I

BALTAL CONTROVERSY

The holy cave of Amarnath is one of the Lord Shiva's several abodes. It is situated at an altitude of 12,720 ft in south of Kashmir. It is the belief of the Hindus that Shiva is one of three supreme gods – Brahmaha, Vishnoo and Shiva. The pilgrimage to the Amarnath cave is an annual feature. It starts on Vyas Poornima and concludes on the day of Sharavan (Rakhi) Poornima. The traditional route is via Pahalgam, Chandanwari, Pissu Ghati, Sheshnag and Panjtarani. The distance between the holy cave and Srinagar is 141 kilo meters. The cave is 32 kilo meters away from Chandanwari. There is one more route leading up to the cave. It is via Sonamarg. It is also known as Baltal route. It is 16 kilometer long. It passes through Brari Marg and Sangam. The terrain is mountainous, difficult, snow bound and, even treacherous. Both the routes are known for their scenic beauty and natural glory. Weather conditions in the area always remain uncertain and the journey to the cave is both exciting and arduous.

Up to 1990, the number of pilgrims, who used to visit the holy shrine, ranged between 10,000 and 15,000 annually. The nineties was the period when the Indian economy grew substantially. This gave a boost to domestic tourism, particularly the pilgrimage tourism. The phenomenal rise of pilgrims to the Shri Mata Vaishno Devi Shrine also took place around this period, as also to the Shri Amarnath Shrine. The pilgrimage to the Shrine was certainly a challenge to the government because of the rise of secessionist militancy. Massive security mobilization, the spiritual zeal of the devotees and the breath-taking landscape of the entire pilgrimage route ensured the continuation of the pilgrimage.

At the Amarnath cave, image of Shiva in the form of *lingum* is formed naturally of an ice stalagmite. This ice stalagmite waxes and wanes with the waxing and waning of the moon. By the side of this *lingum*, two more *lingums* are formed. One is of Parvati, wife of Shiva, and the other is of Ganesha, son of Shiva.

Origin of pilgrimage

There is a controversy over the origin of pilgrimage to the holy cave of Shri Amarnath. A section seeks to clinch the controversy over the origin of pilgrimage by saying that the "cave was lost for a very long time...till it was 'rediscovered' in 1775". There are others who say that the cave was "rediscovered in 1600". There is also a section which has only recently (2008) claimed that it was "discovered" in 1860 by a shepherd, named Juma Malik, as also as Aadam Malik and Buta Malik, of village Batakot in the Pahalgam area of Kashmir. This section, which basically consists of some Kashmir-based prominent political leaders and column writers, has created an impression that it was none other than Juma Malik who "discovered" the cave, "when during his peregrination, with his flocks in the mountains, he accidentally came upon it". The view of the Kashmiri politicians and column writers is based on the premise that since the progeny of Juma Malik used to get substantial share of annual offerings at the Amarnath cave, it could be legitimately claimed that the holy cave was "discovered" by Juma Malik. (After the establishment of the SASB in 2001, the practice of giving share out of the annual offerings to the Maliks and others, including the Pandits of Ganeshbal, was abandoned.)

It is difficult to endorse the view, which was given ample publicity by the Kashmir-based print media, as also by a section of the Delhi-based print media and a few leading private TV channels during the 64-day-long (June 28 to August 31, 2008) agitation in Jammu over the Amarnath land controversy. The reasons are not far to seek. The most important reason obviously is that this view is not based on some authentic and reliable source. It appears to be a mere conjecture when viewed in the context of the available original sources containing detailed information on the origin/history and routes of the pilgrimage. A peep into such historical sources clears all the cobwebs of confusion and establishes that the origin of the pilgrimage to the holy cave of Amarnath is not shrouded in mystery.

There are a number of ancient texts, historical chronicles and research works which throw ample light on the history/origin of the Amarnath pilgrimage. Some of the most relevant ancient texts, historical chronicles and research works are : *Nilmata Purana*, which was written in the 6th century; *Bhringish Samhita* and *Amarnatha* Mahamatya, which were said to be composed even before the 6th cen-

tury; Kalhana's seminal historical work *Rajatarangini*, written during 1148-49; Jonaraja's *Zaina Rajatarangini* and Suka's *Rajatarangini* and Pragyabhatta's *Rajavali Pitaka*; Abul Fazal's *Ain-i-Akbari* (Vol. III); French physician Francois Bernier's *Travels in Mughal Empire*; Charles Ellison Bates's *A Gazetteer of Kashmir*; Moorcraft William's and George Trebeck's *Travels in the Himalayan provinces of Hindustan and the Punjab, in Ladakh and Kashmir, in Peshawar, Kabul, Kunduz and Bokhara*; Ved Kumari's *Nilmata Purana*, Vol. I; and N.K. Zutshi's *Sultan Zain-ul-Abidin of Kashmir*. It needs to be underlined that while the Kalhana's Rajatarangini covers the period up to 1149, the works of Jonaraja, Suka and Pragyabhatta covers the period up to 1596.

All these works suggest that the pilgrimage to the cave of Amareshwar or Amarnath started during ancient times and that it was one of the well-known pilgrimage places in India, which was visited not only by the Hindus of Kashmir, but also from across the country. It would not be out of place to make a brief reference here to what the noted researcher on the historiography of Amarnath cave, M.M. Munshi, wrote recently about the Amarnath pilgrimage (*Kashmir Sentinel*, Jammu, Vol. 13, July 2008), as also what the website Wikepedia tells about the origin/history of the Amarnath pilgrimage. A reference to what M.M. Munshi has written and what Wikepedia tells has become imperative in the sense that whatever he wrote and the website told is based on authentic sources and the same can be corroborated without any difficulty.

Munshi, among several other significant things, including routes of the Amarnath pilgrimage, writes: "According *Bhringish Samhita*, the Mahakala approached the 'devtas' and told them that they would have to die. The devtas were troubled at this threat and proceeded to the abode of Swami Surji (Lord Shiva) and (sought) his protection. Shiva appeared to them with bright countenance...and enquired about the cause of their distress. The *devtas* explained that Mahakala was about to destroy them and (that) they dreaded his power upon which Shiva with his great mercy and kindness bestowed upon them the water of immortality by which the '*devtas*' were freed from the persecution of Mahakala. After the devtas left, Shiva resumed his devotional abstractions and when he was again sought by the devtas they could not see him. They were, therefore, in great distress and lifted their

hands in prayer and entreated him to show Himself. Shiva appeared in the form of ice linga and, hence, began the pilgrimage (to) and prayers at Amreshvara".

According to Munshi, "the other view pertaining to the formation of ice *linga* is that Shiva's consort Parvati was eager to learn the secrets of life and immortality. She prayed to her lord to reveal the same to her. While moving with Parvati over the Himalayas, Shiva rested in a cave and revealed the secrets of life to Parvati and got himself transformed into the ice *linga*. A pair of snow pigeons over-heard Shiva's discourse and became immortal. According to *Bhringish Samhita*, a person who bathes in the waters of Amur Veth (Amuravati) and rubs himself with the ashes gets *Moksha*. A person who performs Amarnath Ji yatra after observing ablutions along the traditional approach route gets the same boons as one gets from *Ashvamedha Yagya*..."

Munshi also doesn't agree with the view that the pilgrimage remained suspended for years during the medieval period. He also repudiates the view that the cave was "rediscovered" by Maliks. His formulation is based on the fact that neither "Walter Lawrence", the author of *The Valley of Kashmir*, nor any earlier traveller and author in Kashmir has mentioned about (the) 'rediscovery' of Amarnath Ji cave by Maliks". He, however, concedes that "it is not difficult to conclude that Amarnath Ji cave could not have been lost during the short span of 50 to 125 years during which the *yatra* might not have seen the traditional pomp and show, and may have remained a low-key affair in view of the adverse political climate" in Kashmir.

As for the comprehensive article on the history of Amarnath pilgrimage, which is available with website Wikepedia, it, like M.M. Munshi, says that those who assert that the Amarnath pilgrimage is a "recent" phenomena are blissfully ignorant and that they are simply "spreading the myth". This article again is based on the above-referred to sources. It says that the "holy cave has been known to the people for centuries", that "pilgrims continued to visit the holy Amarnath cave in the 12^{th} century", that "not only was the pilgrimage in vogue in Akbar's time (16^{th} century), but the phenomenon of waxing and waning the ice *linga* was also well-known" and that "the original name of the *tirtha* (pilgrimage), as given in the ancient texts, is, of course, Amareshwar". So much so, it says that, according to the Jonaraja's

Zaina Rajatarangini (vv. 1232-1234), the ruler of Kashmir, Sultan Zain-ul-Abidin (1420-1470) "paid a visit to the sacred *tirtha* of Amarnath while constructing a canal on the left bank of the river Lidder" (and) "the canal is known as Shah Kol".

All this should help in clinching the controversy over the origin of Amarnath pilgrimage and establish that the same has been going on uninterrupted since ancient times "along the traditional route of the Lidder Valley". Even otherwise, it is an established fact that the Amareshwara tradition has all along remained very strong in Kashmir. The Kashmiri folklore and literature, including stories, further prove this point.

Establishment of Shrine Board

The Amarnath pilgrimage remained a smooth affair right till December 6, 1992, when certain elements belonging to the RSS-sponsored organizations, including Bharatiya Janata Party (BJP), Bajrang Dal (BD) and Vishwa Hindu Parishad (VHP) and the Mumbai-based Bal Thakre's Shiv Sena (SS), demolished the disputed structure at Ayodhya. The annual pilgrimage remained uninterrupted despite the fact that the secessionist violence had by then gripped the whole of Kashmir province and certain Muslim-dominated areas of Jammu province, particularly the erstwhile Doda district and virtually disturbed the state's socio-religious and political equilibrium. (Doda district was trifurcated into three districts of Doda, Kishtwar and Ramban only in 2008.) The situation in Kashmir had turned so alarming and frightening in January 1990 that almost all the members of the miniscule minority of Kashmiri Hindus quit their original habitat and migrated to Jammu and other parts of the country to escape their physical liquidation at the hands of the dreaded militants and religious extremists, who were also ably backed by Pakistan and its army and the Inter-Service Intelligence (ISI).

Neither the internal-displacement of Kashmiri Hindus nor the terrorist-related incidents had any adverse impact on the annual pilgrimage. Nor did the roaring guns and bomb blasts, which dotted, convulsed and bloodied the Kashmir's political scene at regular intervals between 1990 and 1992, deter the Amarnath devotees. To be more precise, the annual pilgrimage went on during 1990-1992. There is hardly any instance which shows that the religious extremists or gun-

totting militants had ever done anything to disrupt the Amarnath pilgrimage during this period. The most striking feature (apart from the very crucial economic factor) of the whole situation was that the local Muslims were always in the forefront in order to provide all facilities to the pilgrims. Their involvement in the pilgrimage was more or less an "emotional" affair.

Things changed somewhat after the demolition of the disputed structure at Ayodhya in the sense that a secessionist outfit announced a "ban" on the Amarnath pilgrimage and threatened to "attack the pilgrims". This militant group warned the local Muslims of dire consequences in case they continued their association with anything connected with the pilgrimage (*The Kashmir Times*, Jammu, June 17, 2008.) Significantly, the people ignored the ban call, which was coupled with a warning, and refused to dissociate themselves from the pilgrimage. The result was that the militants turned indifferent. They did nothing to force the local Muslims to follow their dictates. However, the threat administered by the militants did lead to very tight security arrangements in Srinagar and all along the road leading up to the holy cave of Amarnath.

Things on the law and order front started improving, particularly after 1994. In 1995, some ardent believers in the concept of people's democracy started a campaign aimed at making the authorities to organize elections in Jammu and Kashmir. The upshot of their whole campaign was that the "people's government is hundred time better than the president's dispensation" and, hence, the people must be given a chance to elect representatives of their choice both to the Assembly and the Indian Parliament. It may be recalled that the State of Jammu and Kashmir had been under the Governor/President rule since January 19, 1990.

As for the political parties and militant and separatist outfits, which were in total disarray at that time, they vehemently opposed the idea of holding elections. The National Conference (NC), premier political organization of the state, the Congress, the BJP, the Communist Party of India – Marxist (CPI-M), the Communist Party of India , the Janata Dal (JD), to mention only a few, were one as far as their opposition to the idea of holding elections in the state was concerned. The attitude of the Kashmir-based secessionist and fundamentalist outfits was no different. All the militant organizations repudiated out-

right the idea of elections, saying "elections are no solution to the Kashmir problem". All or nearly all the Delhi-based think-tanks, opinion leaders, conflict managers and human rights organizations then abhorred the idea of elections. Some of them even went to the extent of endorsing the militants' formulation.

Umpteen editorials also appeared in the leading national dailies, which disapproved of the idea of elections as well. A number of editorials, in fact, asked the Union Government to first conciliate the Kashmiri militants by granting political concessions, including greater autonomy, virtually bordering on sovereignty, and then hold elections. Almost all the well-known Delhi-based social scientists expressed identical views.

The United States, the United Kingdom, Pakistan, Australia and several Muslim countries too did not appreciate the idea of elections. Instead, the authorities at the helm in these countries suggested a dialogue between the Union Government and the rebels in Kashmir. What these countries suggested was not elections but a process which could break the nearly six-year-old impasse in Kashmir overlooking the state's diversity and complexities.

The opposition to the idea of election and the insistence on a dialogue between the Union Government and Kashmiri leaders of all hues was based on the premise that the grant of political concessions to Kashmir would restore peace and normality in the entire state and ensure a lasting peace in South Asia. It was obvious that those who were opposing the idea of elections and suggesting parleys between the government and Kashmiri leaders had ignored the fact that the state consisted of three ethnically, geographically, economically and historically distinct provinces — Jammu, Kashmir and Ladakh – and that the political aspirations of the people of Jammu, Kashmir and Ladakh were conflicting and mutually exclusive.

The P.V. Narasimha Rao-led Union Government, which was fully aware of the nature of the secessionist movement in the state as well as its diversity and peculiar demographic landscape, virtually ignored the formulations of the opponents of the idea of election in the state, notwithstanding the fact that the Prime Minister did make a major policy statement in Burkina Faso. He had said "Sky is the limit". He obviously meant that he was prepared to grant more political autonomy to Kashmir. It is, however, a different matter that he did nothing what-

soever in this direction. The reasons were not difficult to fathom. The most important reason was the belief of his government that grant of more autonomy to Kashmir would, instead of resolving the problem, create volcanic situation in the otherwise comparatively peaceful regions of Jammu and Ladakh. He knew that the people of these two provinces were bitterly opposed to the idea of the state getting a dispensation outside the constitutional framework of India. That was the time when the radicals among the people of Jammu and Ladakh were also vociferously demanding the state's trifurcation into Jammu, Kashmir and Ladakh and the internally-displaced Kashmiri Hindus bifurcation of the Kashmir province, saying they wanted to shape and mould their political and economic destiny within the "secular" India, and not in the "intolerant" Kashmir. It would be only prudent to point out here that an overwhelming majority of the people of Jammu and Ladakh was for a political system which could integrate the state fully with New Delhi and empower them to manage their own affairs themselves and that the history of relations between Kashmir and Jammu and between the former and Ladakh is one of bitterness and animosity.

At the same time, however, the Government of India did start toying with the idea of holding elections in the state. It held discussions at various levels to find if it was feasible to organize elections. Decision-makers in the Prime Minister's Office (PMO) and the Union Home Ministry were divided into two groups. The intelligence agencies, including the Intelligence Bureau, were also in two minds. It was its view that the holding of elections in the state in the prevailing environment might complicate further the already rather complex situation. The exercise might boomerang. On the other hand, certain elements wanted the government to hold the Parliamentary and Assembly elections simultaneously in May 1996. They were of the view that elections could be held with utmost ease and that the militants were just incapable of disrupting the election process. It was also their view that the re-initiation of democratic process in the state would go a long way in isolating militants and separatists. There were others who were of the opinion that it would be advisable if the elections to the Jammu and Kashmir Assembly were held after the 1996 general election. The Prime Minister and his team of advisors were also of the same view.

The parliamentary elections were held in the stipulated month. The people of Jammu and Kashmir, like the people of the rest of country, went to the polls as well. While the turn out in Kashmir province was quite low, the people of Jammu and Ladakh took part in the parliamentary elections with great enthusiasm. The Congress and the BJP took part in the electoral exercise. The Congress won all the six seats – two in Jammu, three in Kashmir and one in Ladakh. The Congress maintained lead in more than fifty of the eighty seven Assembly constituencies. The BJP came out of the democratic exercise minus everything. The NC did not participate in the parliamentary elections on the ground that the time was not ripe and that the Union Government had not done anything to fulfill the Burkina Faso commitment.

The elections were held in a peaceful environment. Not a single terrorist-related incident took place anywhere in the state. The peaceful elections emboldened the authorities in the Delhi's South and North Blocks and the Election Commission of India to hold Assembly elections in the state in September 1996. The NC, which had boycotted the parliamentary elections, took the plunge this time and captured over fifty seats. Again, there was no terrorist-related violence anywhere in the state, not even in the militant-infested areas. To be more precise, everything passed off peacefully. The process of government formation too was a rather smooth affair. NC president, Farooq Abdullah, became Chief Minister for the third time.

Thus, 1996 saw the re-emergence of popular rule in Jammu and Kashmir and, hence, it was an important political development, which was not taken kindly by the militants and separatists of all hues. They saw in the re-emergence of the popular rule their own downfall or marginalization. 1996 was significant in another sense as well. Just before the installation of the popularly-elected government, the state had witnessed a disaster at Amarnath. It was caused by a natural calamity. Several pilgrims lost their lives. The Amarnath disaster attracted the attention of the then Union Home Minister, Inderjit Gupta. He appointed a one-man committee under a former Secretary to the Union Government, Nitish Sengupta, to look into the whole issue and suggest measures aimed at minimizing casualties in case a natural calamity again occurred. He submitted his report on December 2, 1996.

Nitish Sengupta made twenty major recommendations. All these recommendations were accepted by the government. One of the rec-

ommendations was the "activisation of the shorter Baltal route to the holy cave in order to ease the hardship of the traditional route via Chandanwari and Sheshnag". Yet another significant recommendation was to the effect that a "trust board for Amarnath on the lines of the trust for the Vaishno Devi shrine" be set up. Nitish Sengupta, in addition, suggested a "restriction on the number pilgrims allowed to go to the Amarnath cave at any given time". According to him, "There should not be more than 20,000 pilgrims at a time on the high ranges, namely the stretch between Chandanwari and the holy cave". Commenting on his suggestion, Sengupta wrote in The *Asian Age*, New Delhi: "This is to ensure that in case a natural disaster occurs, the effect on pilgrims would be minimal. If there is larger number of pilgrims on the high ranges and say a cyclone or natural disaster occurs, casualties might be high. As along as only 20,000 pilgrims are there, they would be able to take shelter in existing huts and be safe". His article "*Amarnath Yatra*: *Lost in translation*" has been reproduced in full by *Kashmir Sentinel* (Vol. 13, October 2008.) Sengupta also expressed regret in his essay and wrote: "This year (2008), unfortunately, this restriction on numbers is not being observed, and a much larger number of pilgrims have been allowed on high ranges. This should be avoided".

The Nitish Sengupta report emphasized the need of setting up of a coordination committee comprising the state's tourism department, police, army and district magistrate so that the Amarnath pilgrimage could be conducted smoothly. Besides, it suggested changes in the mode of registration of pilgrims and suggested that the process of registration of pilgrims should also be started in different cities of the country, including Ahmedabad, Mumbai, Chennai, Bangalore, and so on. Apart from these recommendations, his report urged the government to improve weather forecasting with the help of satellite forecasting system; regulate the number of people on the pilgrimage route; ensure that not more than 10,000 pilgrims were allowed to go beyond Chandanwari on any day dividing them into three stretches between Chandanwari and Sheshnag, between Sheshnag and Panajtarani and between Panjrarani and the holy cave with 3,000 pilgrims on each section; spread the period of pilgrimage over a period of thirty days, roughly from July 1 to August 15, depending upon the day of Rakhi Poornima; construct adequate number of night shelters at Sheshnag,

Panjtarani, Chandanwari and the holy cave; improve roads and organize *langars* (kitchens) and medical camps ; and start helicopter service for carrying out immediate rescue operations (Jammu and Kashmir High Court Judge, Justice Permod Kohli's judgment, dated April 15, 2005, OWP NO. 732/2004).

Things changed dramatically on August 1, 2000, when the militants attacked the base camp at Pahalgam and shot dead as many as twenty one pilgrims. The terrorist attack also left ten others, including security personnel and local civilians, dead and several others serious wounded. This was the first major terrorist attack on the pilgrims and it was obviously aimed at frightening and discouraging the Amarnath devotees. The dreaded attack in no way deterred the pilgrims. But more than that, it did not create animosity and bitterness between the local population and the pilgrims, although it provoked massive protests in Jammu and elsewhere in the country. The pilgrimage continued unabated with renewed zeal despite the militants' threats in 2003.

In the meantime, the Government of Jammu and Kashmir appointed a commission of inquiry to look into the sequence of events leading to the terrorist attack on the pilgrims at the Pahalgam base camp. It was appointed immediately after the Pahalgam carnage. It was a three-member commission. It was headed by Lt. Gen. J.R. Mukherjee, Security Advisor to the Government of India. C. Phunsog, Principal Secretary, Home Department, Jammu and Kashmir Government, and Ghulam Ahmad Pir, District Magistrate, Ananatnag, were its members.

The Mukherjee commission recommended the setting up of a shrine board on the pattern of Shri Mata Vaishno Devi Shrine Board and, like Nitish Sengupta, suggested a control over the number of pilgrims. The commission suggested that the number of pilgrims should not exceed 1.5 lakh during the 30-day-long pilgrimage and that the State Government should fix quota for different states of the Union. As for the duration of the pilgrimage, the commission recommended that it should be one month. At the same time, it suggested that the period of the pilgrimage could be extended if the situation was normal and if the life of the ice *lingam* could be enhanced by controlling the temperature of the cave. The commission also suggested the opening of Baltal route much before the Pahalgam side to enable large num-

ber of pilgrims to visit the cave and reduce the rush during the period of pilgrimage. Its other recommendations included up-gradation of infra-structure and road communication, construction of permanent structures and installation of *bhandaras* (kitchens) and stalls en-route the holy cave (Justice Kohli's judgment, dated April 15, 2005).

As mentioned earlier, the number of pilgrims to the cave of Amarnath had increased manifold. The increase in the number of pilgrims attracted the attention of the government. Convinced that the pilgrimage had become somewhat unmanageable, the government of Farooq Abdullah enacted in 2000 Jammu and Kashmir Shri Amarnath Ji Shrine Act (JKSASA). This Act, which is still in force, was also called Act No. XVII of 2000. It was enforced on February 2, 2001. This legislation was the brain-child of the government in the sense that none in the Hindu community had advocated the need for such legislation. It appears that the recommendations of Nitish Sengupta and Mukherjee commission had motivated the State Government to enact the JKSASA.

The JKSASA, among other things, provided for the establishment of a board for the "better management of the Shri Amarnath *Yatra*, up-gradation of facilities for Holy pilgrims and matters connected therewith or incidental thereto". The board, styled as Shri Amarnath Ji Shrine Board (SASB), was established in 2001. As for the composition of the SASB, the Act says that "the administration, management and governance of the Shri Amarnath Ji Shrine and the Board Fund shall vest in a Board comprising a Chairman, and not more than ten Members". It also lays down that "the Governor of the State of Jammu and Kashmir, if he is a Hindu, shall be the ex-officio Chairman of Board, and if the Governor be not a Hindu, then he may nominate any eminent person of the State, professing the Hindu religion, and otherwise qualified to be a member to function as the Chairman of the Board".

The JKSASA, in addition, provided for the dissolution and suspension of the Board. In this context, it says: "If in the opinion of the Governor, the Board is not competent to perform or persistently makes default in performing the duties imposed on it under this Act or exceeds or abuses its powers the Governor may after due enquiry and after giving the Board reasonable opportunity of being heard, by order dissolve or supersede the Board and re-constitute another Board

in accordance with this Act". As for the mode of decision-making, the Act laid down in unambiguous terms that "every decision of the Board shall, except as expressly provided by this Act, be passed by a majority of votes, (and) in case of equality of votes, the person presiding shall have a second or casting vote".

Immediately after the enforcement of the JKSASA and formation of the Shrine Board, Farooq Abdullah announced transfer of 5,000 kanals of government land to the Shrine Board so that it could make optimum use of it during the pilgrimage period and provide suitable facilities to the pilgrims (*The Kashmir Times*, June 17, 2008). On July 29, 2001, Farooq Abdullah had also authorized Swami Gian Ji, founder of Shiv Ashram, to "repair and renovate" the two *sarais* (rest houses) at Baltal, constructed in 1980 and inaugurated by his father, Sheikh Mohammad Abdullah, in the same year.

The formation of SASB was hailed by the Hindus. For the Muslims, it was virtually a non-event. They neither opposed it nor supported it. Some Muslims, however, did not appreciate the decision of the Shrine Board not to give any share to the progeny of Juma Malik out of the annual offerings at the Amarnath cave. They wanted the association of the Malik family with the Shrine Board as well as the Amarnath pilgrimage. The Shrine Board did not endorse their suggestion for reasons not really difficult to understand.

Conflict between Sinha and Mufti

In the meantime, the people of the state again went to the polls in 2002 to elect a new Assembly. The verdict was fractured. It happened for the first time in the state's electoral history. The NC suffered a massive defeat. It could capture only twenty eight seats, as against more than fifty it had captured in 1996. The People's Democratic Party (PDP), which was formed by the former Union Home Minister and a former Congressman, Mufti Mohammad Sayeed, on July 1, 1999, upset the NC's apple-cart by winning sixteen of the forty six seats in the Kashmir Valley. The Congress won twenty seats (fifteen from Jammu and five from Kashmir), the Jammu-based Jammu and Kashmir National Panthers Party (JKNPP) four (all in Jammu), the CPI — M two (all in Kashmir), the Ladakh Union Territory Front (LUTF) two and the BJP, the Jammu State Morcha (JSM) and the Bahujan Samaj Party (BSP) one seat each. The remaining twelve seats were won by inde-

pendent candidates, most of whom later became the associate members of the Congress.

Unlike 1996, the task of government formation was not smooth. The State Governor, Girish Chandra Saxena, asked the leader of the NC Legislature Party, Farooq Abdullah, to explore the possibility of forming his government. The latter declined the offer, saying the 2002 mandate required his party to sit in the opposition. Thereafter, the Congress and the PDP got involved in tortuous negotiations on the issue of government formation. The JKNPP also threw its hat in the ring. The CPI – M, which was not maintaining good relations with the NC, too intensified its efforts with a view to ensuring the formation of a non-NC government.

The main players were two – the Congress and the PDP. Both the parties were eager to form the next government. There was a deadlock over which party should lead the government. And, it was here that the idea of rotational Chief Minister came as a real godsend for those involved in the negotiations. But the talks again got discontinued. The Congress insisted that since it had twenty legislators, the office of Chief Minister for the first three years should come to it. (The life of Jammu and Kashmir Legislative Assembly is six years, and not five as is the case in the rest of the country.) The Jammu-based Congress legislators, without any exception, were one and they wanted the Congress high command to install the then Jammu and Kashmir Pradesh Congress Committee president and former Union Minister, Ghulam Nabi Azad, as Chief Minister. (Ghulam Nabi Azad hails from the Jammu's Doda district.)

On the other hand, the PDP wanted the Congress to hand over the office of Chief Minister to Mufti Mohammad Sayeed. Its refrain was that the elevation of the Mufti to the office of Chief Minister would not only win over the Kashmiri people, but would also help resolve the Kashmir problem. One of the party's ideologues, Muzzaffar Hussain Beig, and the daughter of Mufti Mohammad Sayeed, Mehbooba Mufti, unleashed a no-holds-barred campaign in order to influence the thinking of Prime Minister Manmohan Singh and the AICC president and the chairperson of the United Progressive Alliance (UPA), Sonia Gandhi, and ensure the formation of government under Mufti Mohammad Sayeed. Muzzaffar Hussain Beig even went to the extent of saying that the refusal on the part of the Congress

high command to make Mufti Mohammad Sayeed Chief Minister and its insistence on Ghulam Nabi Azad would "hurt the Kashmiri psyche" and "put the whole of Kashmir Valley on fire". A vocal section of the print and electronic media had also been opposing the idea of the Jammu-based Ghulam Nabi Azad becoming Chief Minister.

The issue was finally clinched in favour of Mufti Mohammad Sayeed. Sonia Gandhi said that "she had sacrificed the Congress interest in the larger national interest". Thereafter, the leaders of all the four parties — the Congress, the PDP, the JKNPP and the CPI — M entered into an alliance and came out with "Common Minimum Programme" (CMP) on October 27, 2002. Leader of the Opposition in the Rajya Sabha, Manmohan Singh, was the chief architect of the CMP. The CMP was endorsed by Human Resources Development Minister Arjun Singh, Cultural Affairs Minister and in-charge of Jammu and Kashmir Pradesh Congress Committee Ambika Soni, Mufti Mohammad Syed and Muzzaffar Hussain Beig of the PDP, Mohammad Yousuf Tarigami of the CPI-M and Bhim Singh of the JKNPP. It was made public by Manmohan Singh at the AICC headquarters, New Delhi, in the presence of Mufti Mohammad Sayeed, Bhim Singh and Mohammad Yousuf Tarigami.

Mufti Mohammad Sayeed took over as Chief Minister on November 2, 2002, and formed his ministry consisting of legislators belonging to his own party, the Congress and the JKNPP. The elevation of Mufti Mohammad Sayeed to the office of Chief Minister was not appreciated by the people of Jammu province. Their grouse was against the Congress. They said that the Congress had not respected its "solemn" commitment that "Jammu shall get the office of Chief Minister after the 2002 Assembly elections". The Jammu-based Congress legislators only chaffed. They refrained from airing their ire against the decision of the Congress high command.

The appointment of Mufti Mohammad Sayeed as Chief Minister opened a new chapter in the political history of Jammu and Kashmir. He sought to make his presence felt everywhere. He strove to the hilt to hasten peace process between India and Pakistan and repeatedly urged upon the Union Government to resolve the Kashmir problem. His view was that the people had elected the new government only for getting their day-to-day work done and undertaking developmental activities. Yet another refrain of his was that the elections and the

formation of a democratically-elected government and Kashmir problem were two different things. It appeared that there existed a government in the state in the real sense of the term. He won over the confidence of almost all the legislators belonging to the parties which had just formed the coalition. He inducted almost everyone in his jumbo-sized ministry.

Significantly, however, the relations between the newly-appointed Governor, Lt. Gen. S.K.Sinha (Retd), who had been appointed by the Atal Bihari Vajpayee-led National Democratic Alliance (NDA) Government in 2003 and whose services were retained by the Congress-led UPA Government, and Chief Minister Mufti Mohammad Sayeed were not very cordial. They did not share each other's perception. The Governor was of the view that the policies of the Mufti Government had the potential of harming the paramount national interests and jeopardizing the national security. The Governor had umpteen times publicly disapproved of the Mufti's "healing touch" policy on the ground that it was aimed at rehabilitating family members of slain terrorists. His argument was that the implementation of this policy was a concession to terrorism and politics of separatism and religious extremism and that it had the potential of inducing the people to adopt the gun culture. Under the "healing touch" policy, family members of a slain terrorist were entitled to get more than two lakh rupees from the government, as also a monthly allowance of Rs 3,000 and bank loan on easy terms.

The Mufti, on the other hand, believed that the Governor was over-stepping his constitutional authority and interfering in the working of the government. He never felt comfortable with the Governor. He was of the view that his "pro-active" role had the potential of complicating matters in Kashmir and alienating further the Kashmiri people from the national mainstream. He also held the view that the activities of the Governor might adversely affect the "peace process" between India and Pakistan. There were reports that he had urged the Union Government to appoint a new Governor in the state. Almost identical was the attitude of most of the ministers, who belonged to the PDP. The Finance Minister, Tariq Hamid Karra, and the daughter of Mufti Mohammad Syed and the party president, Mehbooba Mufti, in particular disapproved of the Governor's style of working using somewhat impolite language.

The Government of India was fully aware of the nature of conflict between the Governor and the Chief Minister. But it did not think it advisable to either recall or remove Lt. Gen. S.K. Sinha from the position he had been holding since 2003. This indicated that there were certain elements in the Union Government who obviously believed that the acceptance of the Mufti line would send a wrong signal. Then the BJP was also there. Had the Union Government removed or recalled Gen. Sinha, the BJP in general and the Leader of Opposition in the Lok Sabha, L.K. Advani, in particular, would have surely reacted very sharply and accused the Union Government of adopting a vindictive attitude towards the constitutional head of the state. It was no secret that it was L.K. Advani who had appointed Lt. Gen. S.K. Sinha as Governor and that both held each other in high esteem.

The relations between the head of the state and the head of the government, which were already strained, turned extremely bitter in May 2004. The fundamental reason was that the Governor, who was also the chairman of the Shrine Board, had announced that the 2004 annual Amarnath pilgrimage would be of two months duration. The decision to this effect was taken by the Shrine Board in its 6th meeting. There were potent reasons for the Shrine Board to enhance the pilgrimage period.

In 2004, a rare event took place. That year, in the month of Shravana, three Poornimas were to occur and the first Poornima was on July 2. Several religious organizations and social groups urged the Shrine Board as well as the State Government to extend the period of pilgrimage from July 2 to August 30 (day of the Rakhsa Bandhan Poornima) considering the significance of the event. The Shrine Board took no time in accepting the suggestion taking into consideration the religious sensitivities of the people and decided to enhance the pilgrimage duration. It announced that the pilgrimage would commence on July 2. It also announced that while the Baltal route would remain open for the pilgrims from July 2 to August 30, the Pahalgam route would be thrown open only from August 1. The Shrine Board sent a communication to the government to this effect immediately so that it could start making arrangements for the security of the pilgrims and other related matters.

The Chief Minister opposed the suggestion and insisted that the duration of pilgrimage should not exceed one month as was the case

before. He opposed the Board's decision on the grounds that the extension in the duration of pilgrimage would mean keeping the security forces deployed in strength along the route to the cave and base camps for such a long period and that "it was not advisable from the security point of view" (*Ibid.*, June 17, 2008.)

The arguments of Mufti Mohammad Sayeed appeared untenable and all the more because he, along with a few of his colleagues in the ministry and some senior bureaucrats, had earlier extensively toured several countries in order to induce foreigners to visit the salubrious Kashmir. Everywhere he talked of the improved security scenario in Kashmir. His government not only strove to attract tourists from foreign countries, but also from all over India. His stated objective was to promote international and domestic tourism and enrich the Kashmir's economy, as also to meet the needs and urges of those engaged in tourism industry in the Valley.

The opposition of the Mufti government to the proposal of the Shrine Board created a sort of furore in Jammu and other parts of the country. A number of Hindu religious groups and political parties like the BJP organized protest demonstrations. One of the organizations Punjab Shiv Sewa Samiti (SSS), Rajpura, (District Patiala), even approached the Jammu and Kashmir High Court on July 13, 2004. The president of Punjab SSS, Ram Pal Bathonia, himself an advocate, urged the High Court to direct the State Government not to interfere with the Shrine Board's decisions, including its decision to acquire more land for creating facilities for the pilgrims, start helicopter service and create air-condition facilities at the cave to increase the longevity of the ice *lingam*.

The Shrine Board and its chairman stuck to their stand. The Governor said that the expansion in the scope and duration of the pilgrimage had become imperative in view of the special circumstances. He also expressed the view that the manifold increase in the number of devotees and the extension in the duration of the pilgrimage would heighten the process of national integration and improve the state's economic health.

The conflict between him and the Chief Minister created a peculiar situation in the state. The people of Jammu province and several political and Hindu organizations, including the BJP, the VHP, the BD, the SS and the RSS, stood solidly behind the state Governor. They

repeatedly accused Mufti Mohammad Sayeed of "outraging the Hindu sentiments" and "vitiating" the Amarnath pilgrimage. They threatened massive protests. Their unstinted support to the Governor and bitter opposition to the Mufti created an awkward position for the Congress, whose core constituency was Jammu. Almost all the Jammu-based Congress ministers opposed the Mufti line and openly made common cause with those supporting the Governor's decision.

The situation reached a climax when two young ministers, Raman Bhalla and Yogesh Sawhney, threatened to resign from the ministry. Both Raman Bhalla and Yogesh Sawhney and several other Jammu-based Congress leaders rushed to Delhi and urged the Prime Minister and Sonia Gandhi to ask Mufti Mohammad Sayeed not to oppose the Governor's decision. They were mortally afraid of the fact that the acceptance of the Mufti's views would erode their party's support-base in Jammu and help the BJP consolidate and expand its constituency in the region. In the meantime, the parties like the BJP had upped the ante at the national level, thus motivating the Union Government to intervene in the matter and break the deadlock between the Governor and the Chief Minister (*Daily Excelsior*, Jammu; *The Kashmir Times*; and *The Greater Kashmir*, Srinagar, March-June, 2004).

The pressure exerted by the Jammu-based Congress ministers and legislators and the possibility of serious political explosions in Jammu and elsewhere over this sensitive issue left the Central leadership and the Union Government with no option but to intervene in the matter and amicably resolve the controversy. The Central Government assigned this task to the Union Parliamentary Minister, Ghulam Nabi Azad. A compromise formula was suggested. According to the formula, the duration of the pilgrimage would be neither two months nor one month but it would be forty five days. A meeting between the Governor and the Chief Minister was arranged. Both of them accepted the formula on June 29. In fact, they issued a joint statement to this effect that day. The Governor felt satisfied because the Shrine Board succeeded in extending the pilgrimage period from one month to at least forty five days. The Mufti also felt vindicated because he succeeded in curtailing the pilgrimage duration from the proposed two months to forty five days.

The Governor took the opportunity to thank religious leaders like Mahant Deependra Giri, head of Dashnami Akhara and Mahanat

Chhari Mubarak (holy mace), who had accepted the "agreed arrangements for the ritual commencement of the *yatra* (pilgrimage)". (Deependra Giri of Amritsar is the custodian of the holy mace of Lord Shiva.) Knowing full well that the devotees had not taken this agreement kindly, the Governor appealed to them and the agitating people in Jammu and elsewhere in India "not to press with their agitation". He asked everyone concerned to "observe the solemnity of the occasion without any further controversy or agitation". His appeal produced the desired result and the pilgrimage started with great pomp and show on July 15, 2004. Over four lakh devotees visited the Amarnath cave. It created a new record.

However, the truce between the Governor and the Chief Minister proved short-lived. They were again on the warpath. This became quite evident when the counsels for the Shrine Board and the State Government countered each other's arguments before Justice Permod Kohli, who was dealing with the write petition of Ram Pal Bathonia on the issue. During the course of hearing, the counsel for the Shrine Board, U. K. Jalali, told Justice Kohli that the "government officials were creating hurdles in the way of the Shrine Board" and "not allowing" it to carry on activities needed to make the pilgrimage smooth. In this context, he said the "officials of the State Government, including the Additional Deputy Commissioner and police officers, have stopped the Board from carrying pre-fabricated huts and other material required for providing facilities to pilgrims". "Even labourers were stopped with their tools", Jalali told the High Court. He also told the High Court that the "shrine Board…approached the State Government for transfer of the land en-route the holy cave beyond Chandanwari for construction to provide facilities like shelters, toilets/bath rooms etc. vide its communication dated 27-4-2001", but no steps were taken by it. (This happened when Girish Chandra Saxena was the Governor and Farooq Abdullah Chief Minister.)

As for the counsel for the State Government, he repeatedly told the High Court that the State Government was not opposed to the pilgrimage. What the State Government opposed to was, he told, the decision of the Shrine Board to increase the number of pilgrims, prolong the period of the pilgrimage, air condition the cave, start helicopter service, acquire "forest" land and so on. He told the High Court that the Government was opposing the Shrine Board decisions on valid

grounds. The arguments advanced in defence were (1) the "increase in the number of *yatris* (pilgrims) would lead to miserable consequences, including epidemics and natural calamities" and create security-related problems, (2) the Shrine Board decided to enhance the pilgrimage period "overlooking the fact that the life of the ice *lingam* is limited in time", (3) the decisions of the Shrine Board were "diluting the sovereign status of the state" and the Shrine Board had made the "State subservient and subordinate to the Board", (4) the "air conditioning of the cave would have serious repercussions" and it would "hurt the faith and religious trust of the devotees in case any superficial treatment is given to the ice *lingam* after or during its formation", (5) the "running of generators around the Shrine can damage the ecology", (6) the "State of Jammu and Kashmir is at present bound by the directions issued by the apex court (Supreme Court) of the country wherein felling of the forest produce and interference in the forest land has been prohibited" and (7) the "jurisdiction of the Shrine Board is confined and restricted to the land over which the Shrine is situated and to a certain area surrounding the Shrine" and the "Board has a limited role *i.e.*, maintenance of the Shrine, performance of *Puja* and undertake developmental activities around the Shrine" (Justice Kohli's judgment in the case between Ram Pal Banothia and the State).

The arguments of the counsel for the State Government were not tenable in the sense that the Shrine Board was fully conscious of its duties and jurisdiction. A peep into the decisions taken by it in its 6th meeting, held on March 17, 2204, clearly gives such an indication and establishes that the Shrine Board simply wanted to make the pilgrimage smooth and comfortable. It would be only desirable to reproduce here verbatim some of the decisions.

The decisions read: (A) "to provide better facilities to the *yatris* for *yatra* 2004; (B) "to provide comfortable and insulated pre-fabric accommodation with double-bunk beds, instead of tents, which are mostly found in tattered conditions"; (C) "to make all out efforts to provide hot water bathing at camp sites for pure drinking water, and increasing toilet points with modern technique of bacterial culture to avoid foul smell"; (D) "to do away with the existing nation-wide registration process which arbitrarily imposed quota for each state"; (E) "to take all crowd control measures on the lines of Shri Mata Vaishno Devi Shrine Board, which conducts the *yatra* to Shri Mata Vaishno

Devi Shrine); (F) "to introduce public sector helicopter service at Baltal/Domel-holy cave route"; (G) "to explore possibility of using bio-metric technology of identifying finger prints and face recognition as is the practice at Tirupati, the most visited pilgrimage"; and (H) "to send an expert team from DEFO-IIT Delhi and some private concerns dealing in refrigeration system to arrive at most viable solution for retaining the formation of *lingam* till the culmination of *yatra*".

A scrutiny of the High Court judgment, which was delivered by Justice Permod Kohli on April 15, 2005, further shows that the Shrine Board had also planned to electrify the whole area used during the pilgrimage period by the devotees and others by setting up a micro-hydel project at Baltal and the cave and make provision for "accommodation for 2500 pilgrims for their night halt-age at cave". Again, it shows that the Shrine Board had planned to construct road from Baltal to Sangam, start a cable car between Baltal and the cave, fence the camp site, provide "advance booking and current booking on the first come first served basis through internet", open post offices and banks; tie up with "NGOs who have offered their services", "mobilize social and religious organizations for financial assistance to the tune of Rs 20.00 crores for providing better facilities (to) the *yatris*", and provide chopper service at cheaper rates with all technical and safety measures as per the civil aviation norms".

All this should serve to demonstrate that the Shrine Board had never ever sought to usurp the authority of the state or overstep its authority. The Governor as chairman of the Shrine Board, in consultation with the Council members, was only taking steps designed to make the pilgrimage comfortable and creating adequate and suitable facilities for the pilgrims. The fact of the matter was that he acted as per the rules and guidelines laid down in unambiguous language by the JKSASA. There was nothing which could even remotely suggest that the Governor took decisions unilaterally. Whatever he did in his capacity as chairman of the Board he did it by keeping the State Government well informed.

Another controversy

The March-April, 2005, again witnessed a serious confrontation between the Government of Mufti Mohammad Sayeed and Governor, Gen. S.K. Sinha. This time the conflict between the two was over a

piece of land, which was allotted to the Shrine Board on March 29, 2005. The land was allotted in response to a written proposal from the Principal Secretary to the Governor and the Chief Executive Officer of the Shrine Board, Arun Kumar. His proposal had sought the "transfer of 3642 kanals of land for seven halting places on the Baltal-Amarnathji Shrine and (the) Chandanwari-Amarnathji Shrine routes". The Shrine Board, which was expecting over five lakh pilgrims in 2005, wanted this land for creating facilities for the pilgrims. The land transfer order was issued by the Forest Secretary, Sonali Kumar, who also happened to be the wife of Arun Kumar (*The Kashmir Times*, June 30, 2008).

It was alleged that Sonali Kumar ordered the transfer of land to the Shrine Board "without the knowledge of the concerned minister (Tariq Hamid Qarra of the PDP). It was unbelievable. Since the issue of land transfer was a major policy decision and since Sonali Kumar knew that the relations between the Chief Minister and the Governor were far from cordial, she could not have dared to overstep her authority and pass an order without seeking the prior approval of the concerned authorities, including the Forest Minister.

Meanwhile, the news regarding the transfer of land to the Shrine Board reached Mufti Mohammad Sayeed, who took no time in revoking the order. His government not only cancelled the land transfer order, but also transferred Sonali Kumar from the Forest Department. She was replaced by Najamus Saquib, who worked as per the instructions of the Mufti. The action of the Chief Minister created widespread resentment across the Jammu province and elsewhere in the country. Before the Shrine Board could approach the High Court of Jammu and Kashmir and obtain a stay, Ram Pal Bathonia, knocked at the doors of the High Court and pleaded, among other things, for the land restoration. The matter was heard by a single-bench, headed by Justice Permod Kohli. The Shrine Board Also became a party. After hearing three sides (counsels for Bathonia, the Shrine Board and the State Government), Justice Kohli directed the State Government to invoke the land transfer order and allow the Shrine Board to use the "forest land for the facilities for the pilgrims". He delivered his judgment on April 15, 2005. It was a very lengthy and comprehensive judgment, which dealt with each and every issue.

Determined as it was to ensure the collapse of the land transfer order, the State Government immediately filed an appeal against the

direction of Justice Kohli (CMP (LPAOW) 33/05 in LPA No. 21/2005). It approached the double bench of the High Court. Justices V.K. Jhanji and Y.P. Nargotra constituted the bench. Its main argument was that the transfer of forest land to the Shrine Board violated the spirit of the "Supreme Court judgment on forest lands". The double bench disposed of the appeal on May 17, 2005. It upheld the directions of Justice Kohli and said: "Subject to the objections and till further orders, order dated 20th May, 2005 vide which the Government order No. 148-FST of 2005, dated 29th March, 2005, was withdrawn, shall remain stayed". (The government withdrew this case following the August 31, 2008, agreement between the Government and the SAYSS, which spear-headed the over two-month-long land-restoration-movement.)

Though very brief, this judgment was very significant. It, among other things, said: "Shri Amarnath Shrine Board under the Chairmanship of His Excellency the Governor of Jammu & Kashmir, Lt. Gen. (Retd.) S.K. Sinha, PVSM, shall convene a meeting of the Board within a period of ten days from today. The Board in the meeting shall associate Chief Secretary of the State, Divisional Commissioner Kashmir, Director General of Police, J&K, and the Commanding Officer, who shall point out any difficulty, which the government may be facing in carrying out the decisions already taken by the Board and also the directions of the learned Single Judge. The Board shall also consider the difficulty, if raised by any of the party, objectively and then take decision afresh. We believe and hope that the decision would be taken unanimously with a spirit of working in tandem. The decision taken by the Board shall be carried out faithfully and religiously by all concerned. The land to be allotted to the Board would be only for the purpose of user and would remain limited for the duration of *yatra*. The Board shall also identify the site(s) to be allotted for the purpose of *langar*, erection of detachable pre-fabricated huts and toilets etc., which would not be permanent in nature and are liable to be removed after the period of *yatra* is over. The Board shall identify the person/agency to whom the site would be allotted so as to enable the State Government to screen the antecedents of the said person/agency. In case the State Government may have any valid objection in regard to any person/agency, then permission shall not be granted to the said person/agency and in that eventuality the Board shall make some al-

ternate arrangements. The Board or the persons to whom the site would be allotted for setting up of *langar* etc would not indulge in deforestation".

The judgment indicated the holistic approach of the double bench to the whole issue. It addressed the concerns of everyone - the government, the board and the devotees. The most significant aspect was its dispassionate attempt at making the various actors to work in a friendly manner. The judgment was also significant because it nowhere said that the Shrine Board had ever thought of challenging the authority of government.

Land diversion

On November 2, 2005, Ghulam Nabi Azad became Chief Minister, but much to the chagrin of Mufti Mohammad Sayeed and his PDP and scores of Delhi-based opinion leaders and academics. Like Mufti Mohammad Sayeed, he also led a coalition government. The only difference was that it was a three-party coalition. The parties were the Congress, the PDP and the People's Democratic Forum. The People's Democratic Forum (PDF) had been formed by some independent legislators immediately after the 2002 Assembly elections. The CPI – M extended the issue-based support to the government from outside. The JKNPP, which earlier shared power with Mufti Mohammad Sayeed, thought it better to remain out of the ministry. Ghulam Nabi Azad also did not show any interest in the JKNPP.

The formation of the Ghulam Nabi Azad-led coalition government diffused the tensions between the head of the government and head of the state. Both started working in unison. In the meantime, the Shrine Board once again requested the State Government to divert the Baltal land so that it could undertake developmental activities designed to create additional facilities for the pilgrims. Ultimately, it was on May 20, 2008, that the Cabinet endorsed the Shrine Board's proposal. The government communicated its decision to the Shrine Board six days later *i.e.*, May 26.

It would not be out of place to refer here to the various steps the State Government took before taking a decision on land diversion. Such an approach is imperative to set the record straight and show that the government followed a due process before diverting 800 kanals of land

at Baltal to the Shrine Board. Even more prudent would be to quote everything verbatim. The official document (document/memorandum prepared by Madhav Lal, Principal Secretary to the Government of Jammu and Kashmir, Department of Forests) in this regard, which was released by the government to make its position clear, got ample coverage in the print media. It read:

"The Forest Department has received requisitions from various Agencies/Departments for diversion of forest land for non-forestry purposes. The Memorandum deals with the cases which were cleared by the Advisory Committee constituted under J&K Forest Conservation Act, 1997 in its 39th Meeting held on July 12, 2007 under the Chairmanship of the Chief Secretary". "These cases were placed before the Cabinet in its meeting of February 26, 2008. The item was 'deferred' since some clarifications were necessary about the wildlife perspective in respect of the proposal of Amarnathji Shrine Board…Pursuant to the above, a Committee of officers was constituted vide Government Order No. 108-FST of 2008, dated March 17, 2008, to look into that proposal. The report of the Committee has since been received".

"SASB has made a requisition for diversion of forest land measuring 3988 hectares falling under Compartment No.63a/Sindh in Block Kullan, Range Sindh, Sindh Forest Division, for construction/provision of buildings/hutments and other infrastructure for visiting *yatris* of Amarnath Ji *Yatra* at Baltal and Domail".

"Regarding the Wildlife aspects of proposal, Pr. CCF has submitted in the agenda as under :

(*a*) Forms part of National Park, Wildlife Sanctuary, Natural Reservoir, Biosphere Reservoir etc.

Proposed area is adjacent to Thajwas sanctuary. The uncontrolled flow of the *yatris* will cause pollution which will have some impact in the wildlife if no mitigating measures are initiated by SASB authorities.

(*b*) Is habitat of rare/endangered species of flora and fauna and;

(*c*) Is habitat for migratory fauna or forms a breeding ground for them. 'The recorded decision of the Advisory Committee is reproduced as under :

The Advisory Committee discussed this case in depth. The Chief Wildlife Warden apprised the Committee that he has already submit-

ted his report under No. WLP/Tech/1971/07, dated 11-06-2007 after spot inspection on 27-05-2007 which is reproduced as under :

It was noticed that the proposed site for construction of SASB Complex, falling in the compartments 63(s)/Sindh/Kullan, is located on the right side of Sindh rivulet. The proposed complex does not seem to have any significant impact on the ecology of Thajwas Wildlife Sanctuary. The apprehensions of DFO Sindh and Wildlife Warden, Central, that the said complex may have adverse impact on the Wildlife Sanctuary appears to be 'over cautious' and environmentally conservative approach. It is also given to understand that SASB is using pre-fabricated structures, as such likely pollution due to discharge of muck and garbage etc should not be significant. It is presumed that SASB will take necessary environmental safeguards as applicable for such development projects'.

In view of the above report, the Advisory Committee cleared the diversion of the above Forest land to SASB, on the following terms and conditions:-

I. The proprietary status of forest land shall remain unchanged.

II. The forest land so diverted shall be utilized only for the purpose for which it has been diverted.

III. It shall not be transferred to any other agency without approval of the Forest Department.

IV. The forest land so diverted shall not be mortgaged, re-assigned or sub-leased by user agency in any manner.

As mentioned above, following the deferment of these cases in the Cabinet meeting on February 26, 2008 a Committee under the Chairmanship of Chief of Wildlife Warden was constituted vide Govt. order NO. 108-FST of 2008, dated March 17, 2008 to examine the feasibility of diversion of forest land vis-à-vis Wildlife Perspective for various developmental activities, including construction of roads in Baltal-Ranga-Domail area of Ganderbal District as requested by SASB. The Committee has submitted its report vide letter dated May 7, 2008. The relevant extracts of the Committee's report are reproduced as under :

'That the proposed camping sites of SASB complex comprising 39,88 hectares of forest land (30.88 Ha. at Baltal and 9.00 Ha at Domail) fall in the Forest Compartment No. 63/Sindh of Sindh Forest Division, Forest Department. These proposed camping sites do not

involve any area of Thajwas Wildlife Sanctuary, which is located on the left side of river Sindh.'

In view of the recommendation of the Advisory Committee and the report of the Committee constituted vide Govt. Order No. 108-FST of 2008, dated March 17, 2008, it is felt that the diversion of 39,88 Ha. of Forest land to SASB at Baltal/Domail be agreed only for raising pre-fabricated structures for camping purposes of pilgrims without going in for construction of permanent structures after taking all possible environmental safeguards in consultation with the State Pollution Control Board prior to them being put to use by the Pilgrims to ensure that no damage is caused to the ecology of the area.

The case for diversion of Forest Land for non-forestry purpose are required to be submitted to the Cabinet as per the provisions of the Jammu and Kashmir Forest (Conservation) Act after clearance by the Advisory Committee. However, Hon'ble Supreme Court of India passed directions in W.P. (c) No. 202/1995 in the case titled T.N. Godavarman V/S Union of India & others on 27-04-2007 as under:

'...In the circumstances, we hereby give the following directions, pending our decision on the larger question indicated herein above :

(a) The FAC as it stands today will give priority to Projects which need immediate clearances. In this regard, it may be stated that fresh cases may be cleared project-wise by the FAC and thereafter such clearance shall be placed before this court for approval. We make it clear that pending the decision of the larger question, all clearances by the FAC of fresh cases shall be subject to approval by this Court. Before giving approval, we would like to have responses from the CEC in respect of each clearance. In order to avoid delay, we direct the concerned Ministry to give a copy of the clearance to the CEC so that the CEC would give its response expeditiously. We will examine each clearance and decide whether to grant or not to grant the approval thereto. Once the approval is granted by this Court, the matter may be placed before the Central Government for disposal in accordance with law...'

The above said order was sent to the Law Department for giving its opinion as to whether the same is applicable to J&K State. The Law Department has opined as under :

'The order of the Hon'ble Supreme Court, dated 27-04-2007, is with regard to the Forest Conservation (Central) Act, and rules framed

there under. The said Act is not applicable to the State as forests continue to be in the State List. Earlier, a similar case was examined and vide UO. No. LD (Opn) 2006/77-FST, dated 06-03-2007, the department was advised to move an application before the Hon'ble Court to the effect that the Forest Conservation Act, 1990 (Central Act) is not applicable to the State. The State has its own Forest Act as well as Forest Conservation Act, 1997 and seeks clarification from the Hon'ble Court. The Department is advised to pursue the said matter vigorously with the Hon'ble Supreme Court and awaits Clarification in the matter'.

In the meanwhile, the PCCF vide communication No. PCCF/FC/Gen./5/106, dated 21.07.2007, approached the Central Empowered Committee constituted by the Hon'ble Supreme Court regarding clarification about the aforesaid order of the Apex Court. The Central Empowered Committee vide their communication No. 1-26/CEC/SC/2007-Pt.XXIII, dated 26-07-2007, opined as under:

'The non-forestry use of the forest land falling within the State of Jammu and Kashmir is governed by the provisions of the Jammu and Kashmir Forest (Conservation) Act, 1990 and not by the Forest (Conservation) Act, 1980. In view of the above, the CEC is of the view that the Hon'ble Supreme Court's order, dated 27-04-2007, regarding the functioning of the Forest Advisory Committee constituted under Section 3 of the Forest (Conservation) Act, is not examined by the State Level Advisory Committee constituted under the Jammu and Kashmir Forest (Conservation) Act, 1990 as amended from time to time'.

Advice of the Law Department was sought on the opinion of the CEC and the Law Department said as under:

'The views of the CEC regarding the applicability of the orders of the Hon'ble Supreme Court is their opinion. The said opinion confirms the views of this Department. However, it would be safe, as advised earlier, to bring the legal position in the notice of the Hon'ble Supreme Court and seek their clarification as the State has its own Forest Conservation Act of 1990.'

Subsequently, the matter was referred to the Ld. Advocate General for advice who said as under:

'The Forests continue to be a subject with respect to which the State Government has the power to make laws and not the Union. The

Jammu and Kashmir Forest (Conservation) Act of 1997 is applicable to the state of J&K and the Rules have also been framed under the said Act. The J&K State Forest (Conservation) Rules provide for the constitution of a Forest Advisory Committee and it is within the jurisdiction of the said Forest Advisory Committee under the J&K State Forest (Conservation) Act to give clearance of projects for the purpose of non-forestry purpose. So far as the rest of the States are concerned, the Forest (Conservation) Act 1980 is applicable to them. Under the aforesaid Forest (Conservation) Act Forest (Conservation) Rules 1981 had been framed. Under rule 4 of the Forest (Conservation) Rules of 1981 it is provided that the Forest Advisory Committee shall have the jurisdiction to clear the projects where forest land is required for non-forestry purpose. It appears that the Hon'ble Supreme court in WP (C) 202/1995 titled T.N Godavarman versus Union of India had stayed the working of the Forest Advisory Committee in terms of the Forest (Conservation) Rules of 1981. Subsequently vide order dated 27-04-2007 the Hon'ble Supreme Court had modified the order and directed that the Forest Advisory Committee constituted under the Forest Conservation Rules of 2003 as it stands will give clearance of the projects where forest land is required for non-forestry purposes and the project would be sent to a Central Empowered Committee, which would give its response expeditiously.

I have gone through the order dated 27-04-2007 passed by the Hon'ble Supreme Court. Since neither the Forest (Conservation) Act of 1980 nor Forest (Conservation) Rules made there under are applicable to the State of J&K. The State is governed by the J&K Forest (Conservation) Act 1997 and Forest (Conservation) Rules, 2000. The Forest Advisory Committee has been constituted under the aforesaid Forest (Conservation) Rules, therefore, order dated 27-04-2007 does not have any applicability with respect to the State of Jammu and Kashmir in as much as since the Forest (Conservation) Act of 1980 and the rules made there under are not applicable to the State of J&K, More so, a communication issued by CEC on 27-07-2007 which is on file had clarified that the order of the Hon'ble Supreme Court dated 27-04-2007 regarding the functioning of the Forest Advisory Committee under section 3 of the Forest (Conservation) Act is not applicable in respect to the proposals examined by the State Level Advisory Committee constituted under the Forest (Conservation) Act 1997. It is as

such advised that the order dated 27-04-2007 does not pertain to the J&K State and proposals in J&K have to be examined by the Forest Advisory Committee constituted under the J&K Forest (Conservation) Act of 1997 and rules made there under.'

Thereafter, GAD advised the Department to place the matter before the Hon'ble Dy. Chief Minister (Minister I/C Law) in view of two different opinions given by the Law Department and Ld. Advocated General. Accordingly, the matter was placed before the Hon'ble Dy. Chief Minister (Minister I/C Law) who opined under:

'There is no material difference between the opinion of Ld. Advocate General and that of the Law Department, by way of abundant caution, seeks to obtain the clarification of the Supreme Court. I concur with the view of the Central Empowered Committee and the Ld. Advocate General'.

In view of the clarification given by the CEC constituted by the Hon'ble Supreme Court, Ld. Advocate General, Hon'ble Dy. Chief (Minister I/C Law), Principal Secretary to the Government Forest Department with the approval of the Hon'ble Minister for Forests, submits the above-mentioned cases to the Cabinet for taking a view and according approval for the use of forest land for non-forestry purposes, in favour of the above said organizations, on the terms and conditions recommended by the Advisory Committee in its 39th meeting, which have been produced in this memorandum, together with the recommendation made..."

Even a cursory glance at the official document would be enough to conclude that the State Government took more than one year to accept the request of the Shrine Board and that it took all conceivable steps to avoid any controversy. It needs to be recalled that the State Cabinet comprising the ministers belonging to the Congress, the PDP and the PDF unanimously took a decision on the land diversion. None in the Cabinet meeting, not even Deputy Chief Minister and Law and Parliamentary Affairs Minister Muzzaffar Hussain Beig, Finance Minister Tariq Hamid Qarra and Forest Minister Qazi Afzal, opposed the request of the Shrine Board. It would also be desirable to point out here that on May 20, the Cabinet approved six land transfers, all under the Forest Department (Sharma, Sant K. and Sengupta, Dipankar, *Loaded Dice : The 2008 Elections in J&K*, Jammu, 2008, PP. 121-122).

As mentioned earlier, the Cabinet decision on the diversion of land was communicated to the Shrine Board by the Forest Department of Jammu and Kashmir Government vide No. 104 – FST of 2008, dated May 26, 2008. The decision was communicated by M.A. Hamdani, Under Secretary to Government, Forest Department. The order read: "Sanctioned is accorded to the diversion of forest land measuring 39.88ha (hacteers) falling under compartment No. 63a/ Sindh, in block Kullan, Range Sindh, Sindh Forest Division, for raising pre-fabricated structures only for camping purposes of pilgrims, without going in for construction of permanent structures, at Baltal and Domail by SASB on the following terms and conditions:-

1. The Proprietary status of forest land shall remain unchanged. The forest land so diverted shall be utilized only for the purpose for which it has been diverted.

2. It shall not be transferred to any other agency without approval of the Forest Department.

3. The forest land so diverted shall not be mortgaged, re-assigned or sub-leased by user agency in any manner whatsoever to any other agency.

4. The User Agency shall pay Net Present Value of the forest land to the tune of Rs 2,31,30,400/- (Rs Two crore thirty-one lacs thirty thousand four hundred only) as calculated by the concerned DFO as per (the) Hon'ble Supreme Court Order dated 30-10-2002 in I.A. No. 566 in Writ Petition (civil) No: 202 of 1995 T.N. Godavarman Thirumalpad VS Union of India.

5. The User Agency shall pay Rs. 19, 94,000/- (Rs Ninteen lacs ninety four thousand only) on account of Compensatory Afforestation to be carried over 79.96 ha.

6. The User Agency shall take fool-proof measures on modern scientific lines to ensure that any water of nearby Sindh Nallah does not get polluted.

7. Any damage done to the forest by User Agency or its employees and contractors or people employed by them, shall be charged from the User Agency at the rate of ten times the standard rate of 1992.

8. The forest land so diverted shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency.

9. The User Agency shall construct complete retaining/breast walls on the both sides of road/railway/earth work/ tunneling etc. and take other necessary steps so as to minimize soil erosion/land slips. In this regard, the User Agency shall seek technical guidance from Director, Soil Conservation Department, J&K.

10. The User Agency shall also pay any other amount which will become payable as per orders of Hon'ble Supreme Court or Government/Forest Department, J&K.

11. The User Agency shall be responsible to get requisite clearance under any other relevant law in vogue.

12. The user agency shall submit an undertaking that in case of any upward revision of rates of Net Present Value, the User Agency will pay the amount of differential Net Present Value.

13. The possession of forest land diverted for non-forestry purpose under the orders of the competent authority should not be handed over to the User Agency till all payments due against compensation of trees, NPV/compensation of land, compensatory afforestation costs etc. are not deposited with Chief Accounts Officer in the office of the PCCF. Before handling over the possession of the forest land it should be further ensured that there are no outstanding dues with the said User Agency in respect of the cases sanctioned in the past.

14. The User Agency shall take all possible environmental safeguards in consultation with the State Pollution Control Board prior to the erection of pre-fabricated structures and their use by the pilgrims to ensure that no damage is caused to the ecology of the area (*The Indian Express*, Jammu, August 6, 2008).

Kashmir up in arms

Between May 20 and May 23, not a single Kashmiri leader raised a hue and cry against the government decision. This was quite significant because on May 19, a day before the approval of the land diversion proposal, Governor S.K. Sinha, along with his team and former Cabinet Minister and NC leader, Mian Altaf, visited Baltal. There he informed the officers and workers of (Kangan area) that the Shrine Board had taken all the precautionary steps to ensure that the "wild life sanctuaries (in the area) are not disturbed and health and hygiene is maintained at all costs". Besides, he told them that "last year, Rs

two crore was spent on environmental-friendly modern toilets alone" and that the Shrine Board had already banned the use of "polythene". He also told them that "Shri Amarnath yatra is a symbol of Kashmir's pluralistic ethos and its successful accomplishment is impossible without the active support of the majority community" (Muslim). "This has been coming in great measure and it is the local enviable hospitality that has seen the *yatra* flourishing over the years", he told the officials and workers. Not just this, he also told them that "the Board is taking due care of the interests of vendors, *tentwallas*, pony and *pithuwallas*. Though some pre-fabricated huts have been raised to accommodate affluent section of devotees, yet it will not affect the business of *tentwallas* as the Board has decided to outsource the management of huts to the local people on commission basis".

Commending the significance of the pilgrimage for "local economy", Mian Altaf took to task those who had developed the habit of creating controversies on the eve of the pilgrimage every year and asserted that "apart from being a source of earning for hundreds of locals, the people have an emotional attachment with this *yatra* as they have grown witnessing this annual event for decades". Mian Altaf, who hailed from the same area, asked the Governor to direct the concerned officials to "improve facilities for pilgrims and the working force…" and demanded "black-topping of the Brari Marg-Domail road for hassle-free movement of traffic" (*The Kashmir Times*, May 19, 2008).

Things started taking an ugly turn on May 23, when the spokesman of the PDP, Basharat Bukhari, attacked the Shrine Board and accused it of ignoring the "admonitions of environmentalists and local administration" and constructing structures and three hundred lavatories in Baltal and Pahalgam en-route the Amarnath cave. He charged the Shrine Board with undertaking activities "which would certainly cause environmental degradation and population hazards, thereby endangering the very vitals of the natural resources. Besides opposing the idea of constructing a mechanized road between Baltal and the cave, the spokesman of the PDP asked the Shrine Board "not to function as a parallel government" and warned that his party would "lock horns with all those forces allergic to the preservation and protection of the interests of the people of Kashmir" (*Ibid*., May 25, 2008).

However, as far as the decision to divert the Baltal land to the Shrine Board was concerned, none in Kashmir reacted till June 10. It was on June 10 that chairman of the All-Party Hurriyat Conference (APHC) and well-known religious preacher, Mirwaiz Umar Farooq, expressed his resentment over the official decision. He said that "attaining of 800 kanals of land by SASB in Sindh Forest Division and the proposed plan of the Board to raise structures on the land is a conspiracy (hatched) to engineer a change in the demography of the Kashmir Valley on the pattern of Israeli policy in Palestine".

But that was not all. His spokesperson made a scathing attack not only on the Shrine Board, but also on the State Government. He revealed to media persons that the "executive members (of the APHC) have termed the handing over of land to SASB as an outcome of 'nexus' between the administration and the SASB". "The land which has been acquired through the nexus between (the) SASB and the administration is going to be used in a manner whereby a change is being engineered in the demography of the Kashmir Valley" and that "the SASB plan to raise structures on the acquired land is part of a long-term conspiracy", the spokesman of the APHC told media persons while making public the stand of his organization on the issue.

The spokesman of the separatist outfit went several steps further and said that "the land has been just acquired for undertaking a social engineering project which is going to pose a serious threat to Kashmir" and that "apart from this, the acquisition of the huge chunk of land by the Board in the environmentally sensitive area also poses a huge threat to the environment". However, he crossed all the lines when he said that "such tactical measures whereby the Government of India has been carrying on cultural, academic and environmental invasions on the Kashmiris is neither going to dent their enthusiasm, nor would they shake their resolve to pursue the right of self-determination". He also took the occasion to inform media persons that the APHC had already planned to create awareness among the people about "such dangerous programmes, which the Government of India plans to start in Kashmir for prolonging its hold on Kashmir" (*Ibid*., June 11, 2008). (What the Mirwaiz and his spokesman said on June 10 became their organization's line and the supporters and followers of the Mirwaiz pursued this line vigorously in the period that followed.)

On June 13, the Mirwaiz addressed the Friday congregation at the Srinagar's Jamia Masjid, his headquarters, and incited the devotees to defeat what he called the "designs of repressive regime" aimed at "depriving the hapless people of Kashmir of a major part of their resources", degenerating and polluting the Kashmir's environment and changing the Valley's demographic landscape. He ended his Friday address with the remark that the "people would rise against this colonial mindset by rising above political or other distinctions" and ensure the collapse of the "nefarious designs" of the government" (*Ibid.*, June 14, 2008).

The Mirwaiz was not the only separatist leader who denounced the government decision. Almost all the recognized and prominent separatist leaders, including the former Kashmir High Court Bar Association (KHCBA) president, Mian Abdul Qayoom, joined the crusade against it. On June 12, United Jehad Council (UJC) chairman and Hizbul Mujahideen (HM) chief, Syed Salah-u-Din, not just termed the official decision on the land diversion as a "big conspiracy against the people of Kashmir by the coalition government", but asked the people of Kashmir to start "massive agitation" to defeat the "conspiracy". He was of the view that the "entire Pahalgam area would be brought under the SASB and the transfer of 800 kanals of land was first step towards it". He further said that efforts were afoot to "transform this land, forests and tourist resorts…into military colonies"; that "in the name of development of religious places, the government was trying to settle non-state subjects to change the demography of this place and strengthen the illegitimate occupation"; and that the "criminal conspiracy (hatched by) India was a gross violation of international norms and also amounts to deprivation of the basic rights of the people of the disputed territory" (*Ibid.*, June 13, 2008).

The same day, the ardent votary of the Kashmir's integration with Pakistan and the Hurriyat Conference (Geelani) chairman, Syed Ali Shah Geelani, also took the plunge and addressed a largely-attended press conference in Srinagar. Addressing media persons, he said that "under the garb of '*yatra* operation', the Government of India, in accordance with a well thought-out and organized conspiracy, is aiming (at) settling non-state subjects in the Valley". He said that "most of people in the *yatra* are from BD, RSS and VHP, who had organized

anti-Muslim programmes in Gujarat, Mumbai and other parts of India".

He explained away what he meant by "*yatra* operation". He said that the "duration of the pilgrimage, which was one week before the onset of (the) ongoing movement, has been extended up to two months and also the number of devotees, which was around 12,000, has gone up to four lakhs" and that all this had been done as per the strategy evolved and implemented by the Government of India. To be more precise, he said that "according to a well thought out plan to settle the outsider state subjects in the Valley, the duration of *yatra* has been extended up to two months and also the number of devotees has increased. In coming years, the number of devotees is expected to reach 20 lakhs".

Significantly, Syed Ali Shah Geeelani also took Mufti Mohammad Sayeed to task. His grouses against him were several and one of them was that he acquired "in the name of goodwill school in Ladroo village 262 kanals of land" and that he "sent (Tourism Minister) Ghulam Hassan Mir to inaugurate a helicopter service for which a good area of forests was chopped down". He criticized the patron of NC and former Chief Minister, Farooq Abdullah, and Chief Minister Ghulam Nabi Azad as well and said that though they always talked "high about resolving the Kashmir issue", they did nothing to "stop the Shrine Board from extending the duration of *yatra*". "In view of the *yatra*, the government has transformed south Kashmir into a 'war-like zone' and made the lives of people miserable", he told media persons. He did not spare even Governor Lt. Gen. S.K. Sinha who, according to him, "exposed" himself by saying that the (Amarnath *yatra* is not confined to a religious matter". He accused him of pursuing "criminal anti-Muslim policies of RSS" under the garb of "religion" (*Ibid*).

That the separatists and religious extremists were determined to make the government revoke the land diversion order became evident when on June 16, Mirwaiz Umar Farooq decided to join hands with his arch-rival, Syed Ali Shah Geelani, to start a joint struggle against the Shrine Board and constituted a two-member committee to hold parleys with Geelani and work out a "joint strategy". (Both these separatist leaders had not met each other for more than three years and the reasons behind were the issue of leadership, ego clash and somewhat differing perceptions.) The same day, the Mirwaiz convened

a meeting of the various sections of society. These included hoteliers, traders, travel agents and even "leaders of government employees' associations". During the meeting, he sought their suggestions which could "counter the government, as also the Board's move". The same day, an ex- chief of KHCBA, Mian Abdul Qayoom, a very close associate of the "hardliner" Syed Ali Shah Geelani, also arranged a meeting of separatists, opinion-makers/intellectuals, academics and representatives of trading community and hoteliers. The objective was the same. The deliberations in the meeting led to the formation of a four-member committee whose duty it was to "mobilize public opinion" and prepare ground for a full-scale "campaign" against the government and see to it that the land diversion order was revoked. It was this committee which decided to enlist the support of "religious preachers and Imams" for the cause (*The Hindustan Times*, Chandigarh, June 17, 2008).

Both these meetings were organized to take stock of the situation arising out of the Principal Secretary to the Governor and Chief Executive Officer of the Shrine Board Arun Kumar's statement that "transfer of land is permanent". He made this statement during his Raj Bhawan's press conference, organized on June 17, to allay the people's fears, set the record straight and inform the general public about the intentions of the Shrine Board. Regretting the controversy over the land diversion order, Arun Kumar declared that the "Shrine Board will go ahead with its programme to provide better facilities to the pilgrims despite a 'disinformation campaign launched by a section of media and communal propaganda of the separatist groups" (*The Kashmir Times*, June 18, 2008).

Arun Kumar did commit a faux-pas when he, instead of using the words land diversion on permanent basis, used the words "land transfer is permanent". Of course, High court orders were there to the effect that the Shrine Board would use this land every year during the period of pilgrimage and that the same would be under the control of the Forest Department after the conclusion of the pilgrimage.

When Arun Kumar held the press conference, Governor S.K. Sinha was at Pahalgam. He went to Pahalgam for an on-the-spot assessment of the arrangements being made by the concerned officers for the *yatra*, which was to start on June 18. It was there that he also dismissed as "misleading the propaganda unleashed by... vested in-

terests". He regretted that "despite clarifications that no permanent structure has been raised, an orchestrated campaign continues to vitiate the atmosphere". He further said that "ever since the Board took over the charge of managing the *yatra*, special measures were initiated and improved with every passing year to ensure health and hygiene in camping sites and en-route the Shrine keeping in view the environmental requirements". He also informed that the "obsolete open trench toilet emitting foul smell has been replaced by environmental-friendly, modern and scientific system that leaves zero scope for pollution" (*Ibid*).

However, it was the Arun Kumar's press conference which generated a lot of heat, with almost everyone who mattered in Kashmir denouncing not just the Principal Secretary, but also the Governor. It was under these circumstances that Jammu and Kashmir Liberation Front (JKLF) leaders and others, including the KHCBA, also decided to join the struggle against the government and the Shrine Board. The JKLF leader Farooq Sidiqui confronted the Government of India and the State Government with a choice between revocation of land diversion decision and "wrath of the people of Kashmir in the shape of mass dissent that was witnessed in 1990". Like the Mirwaiz, he said that "India's policy in Kashmir was akin to the Israeli policy of changing the demography in Palestinian territories by constructing colonies" and that what Kashmir was witnessing was nothing but "malicious attitude of 'colonial mentality' of India". Similarly, like the Mirwaiz and Syed Ali Shah Geelani, Farooq Sidiqui strongly urged the people "not to allow this precedence to set and raise mass resentment against the move" (*Ibid*., June 19, 2008).

On the other hand, on June 24, the KHCBA described the diversion of land to the Shrine Board as "civil occupation by New Delhi" and administered a threat that failure on the part of the government to cancel the order would force it to launch a massive agitation. Its president, Nazir Ahmed Ronga, like others, said that "this is an attempt to change the demography of Kashmir". "After the military occupation of Jammu and Kashmir, New Delhi is resorting to civil occupation…We will oppose any such move tooth and nail. We will foil all the nefarious attempts of New Delhi to grab our land", he told the Bar members" (*Rising Kashmir, Srinagar*, June 25).

Syed Ali Shah Geelani's reaction to the statement of Arun Kumar was no less sharp and provocative. In fact, it was communally-motivated. He said that "to strengthen its military occupation in Kashmir, India is destroying the culture and tradition of Kashmir in accordance with its criminal policy". So much so, he said that "teachings of Shaivism in the name of *Kashmiriyat* are in line with the said policy". He bemoaned and said that "educational institutions, including University of Kashmir, have been used as the launching pad to spread the teachings of Shaivism" and told his followers that it was "moral duty of the learned teaching community to oppose the evil designs of India and save new generations from the repercussions of this practice" (*The Kashmir Times*, June 19, 2008).

The same day, former chairman of APHC and a factional leader of the Shiite community, Moulana Abbas Ansari, accused the "Indian leaders" of "adopting the policy of British people, who went to strengthen their illegal occupation in the name of tourism and Shrine Board". Besides, he posed a question: "How can a governor dictate terms as a chairman of the SASB when he is not a permanent subject of the state"? (*Ibid*)

The Arun Kumar's press briefing had, in the meantime, motivated the Mirwaiz to meet Syed Ali Shah Geelani as soon as possible. The meeting between the two took place on June 19. It was also attended by chairman of the Jammu and Kashmir Democratic Freedom Party (JKDFP), Shabir Ahmad Shah, also called "Nelson Mandela of Kashmir". The meeting, which was held at the Hyderpora (Srinagar) residence of Syed Ali Shah Geelani, continued for seven hours — 1 pm to 8 pm – (*The Hindustan Times*, June 20). During the meeting, several issues were discussed and some of them included Kashmir tangle, land diversion and unity not only between the two factions of Hurriyat Conference, but among all the separatist and militant organizations. After the conclusion of the "marathon" meeting, the Mirwaiz announced that "we have decided to constitute a six-member committee comprising members of both the factions for formulating a joint mechanism that will work for resolution of the Kashmir issue" and that "both factions will vehemently oppose the land transfer…as it is a ploy (designed) to steal the natural resources of Kashmiri people". He also announced that they would agitate together under the leadership of former KHCBA president, Mian Abdul Qayoom. Syed Ali Shah

Geelani, who also spoke on the occasion and said: "If we remain separate, our foes will get stronger. So we have to unite" (*The Indian Express*, June 20, 2008). The meeting between the two, in addition, led to the formation of Action Committee Against Land Transfer (ACALT), which, besides others, would spearhead the movement as well.

A day later, the Mirwaiz, while addressing the Friday congregation of thousands of his followers at Jamia Masjid, accused India of "unleashing cultural aggression on Kashmir through several means" and asked New Delhi to refrain from "such tactics". He warned India, saying that its failure to respect the sentiments of the Kashmiri people and revoke the land transfer would force the people to "come on the streets and all the responsibility will be on the government". His unambiguous warning was: "Revoke land transfer or face revolt" (*Greater Kashmir*, Srinagar, June 21, 2008). Taking a cue from the Mirwaiz, Syed Ali Shah Geelani warned the people of Kashmir and said that "I caution my nation that if we don't wake up this time, India and its stooges will succeed and we would be displaced". He said so amid such slogans as "Down with Shrine Board" (and) "land transfer order not acceptable" (*Ibid*., June 24, 2008).

JKLF chief, Yasin Malik, who returned from Pakistan after 22 days, took the plunge without wasting a day. On June 23, he declared that he would be forced to take an extreme step in case the government failed to respect the agitating people's sentiments and revoke the order. He threatened fast-unto-death. Like other separatists and extremists, Yasin Malik, who was considered by certain human rights groups and a section of progressive Delhi-based intellectuals "Mahatma Gandhi of Kashmir", also interpreted the land transfer order as a sinister design to "create a Hindu society in Kashmir" (*Ibid*., June 24, 2008).

The attack of the Kashmiri leadership on the Government of India was misplaced. It had not played any role whatsoever as far as the issue of land diversion was concerned. The attack of the Kashmiri leadership only indicated its intention to exploit a non-issue, play with the religious sentiments of the people of Kashmir, create inter-communal tensions, mobilize public opinion against India and implement its intolerant ideology. Indeed, the charges of the separatists were not well-founded.

It was undesirable on the part of the Government of India to interfere when a popularly-elected government was in place in the state. Moreover, it didn't have the power to interfere, since the solitary State of Jammu and Kashmir enjoyed a very special status under Article 370 of the Indian Constitution. The Government granted this special status to the state in October 1949 at the behest of the Kashmiri leaders, including the then president of NC and the state's *Wazir-e-Aazam*. Their plea was that Jammu and Kashmir was a Muslim-majority state and that a special constitutional arrangement between New Delhi and the state was needed. The state was accorded a differential treatment without consulting the people of Jammu and Ladakh. This became a bone of contention between the Kashmiri leadership and the leadership of Jammu and Ladakh. Most of the leaders belonging to these regions were of the view that the grant of special status to the state would enable Kashmir to assume independence afterwards. They wanted a system which could integrate the state fully with India and bring it under the ambit of the Indian Constitution.

(Jammu and Kashmir is the only state which has its own Constitution. Its relations with the Union of India are regulated by Article 370. This Article has empowered the state to determine the extent to which the provisions of the Constitution of India could be made applicable to Jammu and Kashmir. The State List is not applicable to Jammu and Kashmir. A number of entries in the Union List and Concurrent List are not applicable to the state. Some of the entries have been made applicable, but with modifications and with the concurrence of the State Government. The power of legislation in respect of residuary matters also lies with the State Government, whereas for other states of the Union, this power is exercised by the Parliament.)

It is important to note that the assertion of the separatists and other mainstream leaders that the decision of the government to transfer "forest land" to the SASB would lead to the destruction of forests and disturb ecology in the area was as ill-conceived as it was biased. They had at no point of time during all these nineteen years of secessionist violence raked up the issue of destruction of green-gold or felling of the trees or environmental degradation. The felling of the trees had become the order of the day then in Kashmir as well as the Muslim-majority areas of Jammu province. The mafia and militants, backed by certain elements within and outside the government, felled and cut

thousands of trees for making easy money, with the government watching the destruction of green-gold as a mute spectator. Their politically-motivated apprehensions were ill-founded all the more because there was not a single tree on the land, which had been transferred to the SASB. It was, and continues to be, the forest land, sans any forest. Not a blade of grass grows there. The area remains snow-bound for most part of the year. It is also important to note that on May 2008, the State Government had endorsed six land transfer cases, and not just one, which the Kashmiri leadership raked up for vitiating the state's atmosphere. That the extremists only raked up the Baltal issue and overlooked the remaining five must lead one to conclude that their intentions were not pious.

Besides, they had never raised a hue and cry when thousands of acres of forest land at Sidhara, Sunjwan and Bathindi (all in Jammu) was usurped by using means fair and foul by the various people, including almost all the Kashmiri leaders, Farooq Abdullah also included, for constructing palatial houses there. In fact, the Kashmiri leaders converted the dense forest lands in these areas into densely-populated colonies. Similarly, they did not react when the government of Mufti Mohammad Sayeed diverted thousands of acres of forest land in Rajouri (Jammu) to the Baba Ghulam Shah Badshah University without charging any money. Nor did they react when the Mufti Government and the Union Government decided to start work on the Mughal road, which led to the felling of more then 10,000 trees, shifting of a 25-kilometer long wildlife sanctuary and construction of permanent structures. On the contrary, the SASB did not cut even a single tree. Nor did it do anything which could in anyway disturb wildlife.

Likewise, their propaganda that the SASB had planned to import Hindus from different parts of the country with a view to establishing a "Hindu township at Baltal" was not based on ground realities. In the words of the former Governor, Lt. Gen. S.K. Sinha, "Total falsehoods were propagated to mislead the people and arouse communal passions. A canard was spread that the Shrine Board was bringing Hindus to establish a Hindu township at Baltal, with a view to changing demography of the Valley like Israel had done in Palestine. Baltal is unapproachable and uninhabitable for over seven months a year". Lt. Gen. S.K. Sinha wrote a comprehensive article "Battle for Kashmiriyat" after relinquishing the office of Governor (Sharma, Sant K; and

Sengupta, Dipankar, *op.cit.*, 121-129). An impartial authority, Nitish Sengupta, also repudiated outright the militants' formulation, asking: "In any case how many people can settle on a stretch of land which is no larger than the Jawaharlal Nehru Stadium (Delhi)?" According to him, "The Amarnath *yatra* lasts for around a month and pilgrims come only during that period. They would use these shelters for only two-three days during the *yatra*, and would thereafter leave the Valley. How could this be viewed as settling non-Muslims 'outsiders' in the Valley and 'permanently' changing its demographic composition?" (*Kashmir Sentinel*, October 2008).

It is indeed difficult to avoid the conclusion that whatever the Kashmiri separatists did in Kashmir was not a mere reaction to the land transfer. It was the manifestation of the ideological campaign, which had been consistently dotting and influencing the Kashmir's political scene since October 1947, when the state acceded to India.

Anyway, the outcome of the meeting was hailed not only by the various separatist groups, but also by some "mainstream leaders". Duhktaran-e-Millat (DM) chief, Syeda Aasiya Andrabi; KHCBA president, Nazir Ahmed Ronga; JKLF general secretary, G.R. Eiddi; Mahaj-i-Azadi patron, Muhammad Azam Inquilabi; PDF chairman and a minister in the Congress-led ministry, Hakkim Muhammad Yasin; leader of opposition and leader of the NC Legislature party and former Finance Minister, Abdul Rahim Rather; and PDP general secretary and MLC, Nizamuddin Bhat, all welcomed the unity efforts and expressed the view that the unity between the separatists would lead to the resolution of Kashmir problem. Muhammad Azam Inquilabi went to the extent of saying that the "bottom-line of the united Hurriyat must be the right of self-determination and to fight jointly against the issues like land transfer". Nizamuddin Bhat also did not lag behind. He said that "we can't ignore the role of Hurriyat Conference in the resolution of Kashmir issue" (*Greater Kashmir*, Srinagar, June 21, 2008).

Besides these Kashmir-based separatist and "mainstream" leaders, the unity efforts were also commended by the Pakistan-occupied-Kashmir-based separatists. Welcoming the development, Chairman of the UJC, Syed Salah-u-Din, held out a commitment that "militants are ready to offer any kind of sacrifice for supporting" (the Hurriyat leadership)" and termed the development as "important and timely" (*The Kashmir Times*, June 21, 2008). The fact of the matter is that the

Arun Kumar's statement on the row over the Amarnath land in Kashmir was exploited by separatists of all hues. They regarded it as a godsend opportunity to retrieve the ground they had lost over the period and step up anti-India activities.

Mainstream leaders jumped on to separatists' bandwagon

Paradoxically, almost all the Kashmir-based mainstream leaders jumped on to the separatists' bandwagon demanding revocation of the land transfer order. Mufti Mohammad Sayeed and Muzzaffar Hussain Beig and former minister (PDP); Farooq Abdullah and Omar Abdullah (NC); former minister Ghulam Rasool Kar (Congress); MLA M.Y. Tarigami (CPI – M); former Chief Minister Ghulam Mohammad Shah (Awami National Conference); Hakkim Mohammad Yasin (PDF), to mention only a few, adopted a view which was more or less similar to the one the separatists had adopted. It became extremely difficult to say who was a separatist and who was a mainstream leader. They operated from different platforms but behaved like one people.

The PDP, which was part of the government and party to the land diversion decision, was the first to side with the separatists and demand revocation of transfer order. It happened on June 16, when Muzzaffar Hussain Beig accused two Jammu-based Congress Ministers, Mangat Ram Sharma (Medical Education Minister) and Gulchain Singh Charak (Education Minister), of "blackmailing" the PDP ministers with a view to making them endorse the land diversion decision. According to a report, Muzzaffar Hussain Beig told a local news agency, KNS, that "100 acres of forest land was transferred to (the) SASB under pressure from the Congress, as two of its Ministers had threatened to stall work on the Mughal road connecting the Kashmir Valley with Muslim areas of Jammu region – Rajouri and Poonch districts".

Both the Congress Ministers refuted the allegation in no time and dismissed the charge as "baseless and unfortunate". "Never had any such condition been put up nor was there any discussion on this subject (during the Cabinet meeting) of give and take of land and work on Mughal road", both of them said. They went to the extent of saying that "it is a figment of imagination… at least such a baseless statement is not expected of a man of his stature" and that "by this statement…Beig…has downsized himself in our eyes" (*The Hindustan*

Times, June 17, 2008). Significantly, Union Minister of Water Resources and president of the Jammu and Kashmir Pradesh Congress Committee (JKPCC), Saif-ud-Din Soz, sided with the Congress Ministers and stated that the statement of Muzzaffar Hussain Beig had the potential of "vitiating atmosphere" in the state and bringing bad name to the ruling coalition (*The Kashmir Times*, June 19, 2008). The charges and countercharges established that all was not well and that the two major coalition partners were on a collusion course. But it did not surprise anyone. The reason was that the relations between these parties had never been cordial since day one. The reasons were both ideological and personal.

Like Muzzaffar Hussain Beig, patron of the PDP and former Chief Minister, Mufti Mohammad Sayeed, also disapproved of the land diversion decision, notwithstanding the fact that his outfit was a party to it. Rejecting outright the June 25 Chief Minister Ghulam Nabi Azad's idea of holding an all-party meet over the issue (*Kashmir Sentinel*, July 2008), the Mufti demanded that the order should be cancelled forthwith and suggested that his demand should not be dubbed as "communal". (While talking to media persons in Srinagar, Ghulam Nabi Azad attacked the PDP for its "politics of blackmail" and its negative attitude to the land transfer order and suggested an all-party meeting. Besides, he released to the press a very lengthy statement containing details on the circumstances under which his Cabinet approved the Shrine Board's proposal, as also on the role of the PDP.) The Mufti said that to describe his demand as a manifestation of his sectarian approach to the land diversion issue would be to "fall into a trap". He warned the government that any failure on its part to "respond to the public sentiment" would only lead to the Nandigram-like situation and the result would be "tension and violence" in Kashmir (*The Indian Express*, June 26, 2008) in the manner as happened in West Bengal.

(In West Bengal, Trinumal Congress leader, Mamta Benarjee, had opposed the official decision to allot certain pieces of land in Nandigram and Singur for the promotion of industries, including for the setting up of the Nano project. The Tatas had been setting up in Singur a car manufacturing plant and it was this plant which was to manufacture Nano cars, each costing a paltry sum of Rs. one lakh. Poor workers and marginal farmers, plus sharecroppers, of the areas had opposed the industrial policy of the State Government. Mamta

Benarjee supported them and gave the slogan "*Maa, Mati and Manush*" (Mother, land and people". The opposition to the official policy led to large violence in these areas).

Earlier on June 23, the Mufti, who a few days before had said that the "land row is a question of our internal autonomy", had convened an "extraordinary meeting" of the Cabinet Ministers belonging to the PDP at his residence. After the meeting, the PDP not only urged the State Government to dispense with the institution of the Shrine Board and take "full control of the *yatra*" from it, but also warned that "if the government fails to withdraw the order by June 30, the PDP reserves the right to decide whether or not to stay in the government" (*Greater Kashmir*, June 24, 2008). Reports from Kashmir also suggested that the Mufti had asked his party's ministers to get ready for tendering resignation from the ministry (*Dainik Jagran*, June 25, 2008). The Mufti was advised "restraint" by the "Congress high command and N.N. Vohra, who was to replace Lt. Gen. S.K. Sinha as Governor on June 25, when the patron of the PDP informed them about the outcome of the meeting (*Greater Kashmir*, June 24, 2008).

Farooq Abdullah, who had on June 16 and 17 justified the creation of the Shrine Board while talking to media persons in Jammu saying "the land is there, it shall always remain there, the Shrine Board will use it only during the *yatra* period" (*Dainik Jagran*, Jammu, June 17, 2008), took a complete U-turn on June 19. Farooq Abdullah, an ardent believer in the concept of limited accession with India, changed his stance when he was in Srinagar. What he told press persons at his party headquarters sprang a big surprise. The reason was that he not only asked the State Government to cancel the land transfer order, but also threatened action against all those involved in the matter. To be more exact, he said "the coalition government has only three months in power. They must revoke the order or quit the government. We are surely going to come to power (after the Assembly elections). The first thing my government will do is to convene a session of the legislature to get the order revoked and bring the SASB and others involved into it to task. We will not hesitate putting the guilty behind the bars. We will ensure that the SASB and Shri Mata Vaishno Devi Shrine Board are made accountable to the legislature and that they do not run parallel governments" (*The Kashmir Times*, *Greater Kashmir*, *The Rising Kashmir* and *The Indian Express*, June 20, 2008). The attitude of

NC president and Farooq Abdullah's son and Member of Parliament, Omar Abdullah, was no different. He, like his father, opposed the land diversion decision and demanded its revocation.

It seems that Farooq Abdullah and Omar Abdullah took recourse to competitive communalism, instead of competitive secularism, with a view to retaining control over their Kashmir constituency by competing with the PDP, which had adopted a communal approach to the issues confronting the state, particularly after November 2, 2005. The PDP had been, it needs to be noted, repeatedly urging the Union Government to accept its demands ranging from demilitarization of the state to India-Pakistan joint control over the state to economic independence to dual currency to self-rule to soft or porous borders to supra-state measures to revocation of all the anti-terror laws and so on. Besides, the PDP had started behaving like the mouthpiece of Pakistan President, General Pervez Musharraf, who had put forth a four-point Kashmir solution. The solution being advocated by the PDP was almost similar to the one suggested by the Pakistan President. The NC leaders were of the view that if they were to neutralize the influence of the PDP and retain control over and expand its constituency in Kashmir, they had no other option but to adopt a hard line and arouse the religious sensitivities of the gullible people of Kashmir. The core constituency of both the NC and the PDP was Kashmir.

Almost similar was the reaction of Ghulam Rasool Kar, Ghulam Mohammad Shah and M.Y. Tarigami to the land transfer order. While Ghulam Rasool Kar "questioned the legitimacy of the land transferred to the SASB" and "demanded that before the transfer is put through it should be ascertained beyond doubt that the allottee (SASB) has the state subject status" (*The Kashmir Times*, June 19, 2008), Ghulam Mohammad Shah demanded legal proceeding against Governor, S.K. Sinha" (*The Indian Express*, June 26, 2008). Both Kar, who opposed the stand of the Congress party, and Shah expressed more or less identical views. While Kar described the decision as "subtle attempts at undermining Kashmir's identity as the only Muslim-majority state of India", Shah termed the decision as "an ugly conspiracy to destroy the religious brotherhood and unity of Kashmiri people". Besides, Kar and Shah accused Governor Sinha of disturbing communal harmony in the state" and "distorting the concept of *Kashmiriyat*" and "eroding Kashmir's traditional identity".

As for M.Y. Tarigami and Hakeem Mohammad Yasin, both of them met the Governor and urged the State Government to revoke the land transfer order. Their attack was not that severe. Both of them used sophisticated language. Their view was that the Governor should not head the SASB and that the "state should maintain distance from religious institutions". They also told media persons on June 27 that "there is no solution but to revoke the land transfer order" and that "if this issue isn't resolved immediately, it may affect the ongoing peace process" (*The Indian Express*, June 28, 2008).

The most striking aspect of the prevailing situation in Kashmir was that all the mainstream political leaders, barring Muzzaffar Hussain Beig, maintained restraint while reacting to the Arun Kumar's June 17 statement. They simply said that the statement of Arun Kumar had complimented the situation and "confounded the confusion" (*The Kashmir Times*, June 19, 2008).

It was Muzzaffar Hussain Beig who took Arun Kumar head on. He contemptuously dismissed Arun Kumar as a "disgrace to bureaucracy, to the state, to the SASB and his parents" and asserted that the land transfer was not permanent. Muzzaffar Hussain Beig used such impolite language or all kinds of epithets and invectives because Arun Kumar had, according to a newspaper report, compared the "performing of Haj with the littering of pollution during *yatra*" and talked of "Muslim pollution" and "Hindu pollution".

He, along with Forest Minister Qazi Mohammad Afzal, senior vice-president of the PDP Moulvi Iftikar Ansari and party spokesperson and Member Legislative Council Basharat Bukhari, told media persons on June 19 that "We have heard of communalization in police in the rest of country, but this is for the first time a civil officer has behaved like this. He is acting like an unbridled king and thinks that we are his slaves. We have not mortgaged our honour by acceding to the Indian Union. If he has the backing of Governor in doing so then it is a shame. Arun Kumar and his boss (Governor) are here to put Kashmir on fire before they leave the state. It is good if they (both factions of Hurriyat) are united (on the issue), but they should do that on real issue (*Greater Kashmir*, June 19, 2008). He was obviously referring to Kashmir issue.

But that was not all. Muzzaffar Hussain Beig went further *and* made a very lengthy statement. The statement : "During his interac-

tion with media in Raj Bhawan recently, the Chief Executive Officer of the SASB talked about Hindu and Muslim pollution. Pollution is pollution. It cannot be either Hindu or Muslim pollution...Arun Kumar also told journalists that they are ignoring Muslim pollution and holding *yatris* responsible for pollution, he also asked journalists where it is written that Muslims must go for haj in aircraft, while the people in earlier times used to go on camels. By saying so, the Principal Secretary to Governor tried to equate the lavatory issue related to Amarnath Haj. Lt. General Sinha has outlived his tenure. Had I been Governor, I would have packed off within 24 hours".

Besides, he stated that "his party has approached the Chief Judicial Magistrate's court for initiation of criminal proceedings (under section 153 of Ranbir Penal Code) against Sinha's Principal Secretary Arun Kumar for his recent 'criminal remarks against the State Government and Cabinet and his attempts to cause communal disharmony in the state and country" (*The Kashmir Times*, June 20, 2008).

Muzzaffar Hussain Beig was not the only PDP's top-ranking leader, who advocated a strong action against Arun Kumar. Two of his party's legislators, Murtaza A Khan and Sayed Basharat Bukhari, imitated Muzzaffar Hussain Beig. On June 24, they filed a breach of privilege motion before the Chairman of the Jammu and Kashmir Legislative Council against Arun Kumar. Their plea was that Arun Kumar had "undermined" the constitutional authority of the Legislative Council by using derogatory words during his June 17 press briefings. The Chairman of the Legislative Council took cognizance of the complaint the same day and appointed a three-member committee to "probe" the Arun Kumar's press briefing and look into the "video clippings and newspaper coverage". The Committee was headed by S.S. Sahini, Principal Secretary at the Resident Commissioner's office, New Delhi. The two members were R.K. Jeerath, Principal Secretary Social Welfare, and Basharat Ahmed Dar, Commissioner Secretary General Administration (*Rising Kashmir*, June 25, 2008).

Muzzaffar Hussain Beig's fulminations and the action on the part of Murtaza Khan and Sayed Basharat Bukhari appeared motivated when viewed in the context of what Arun Kumar told media while responding to certain queries. He made mountains out of the molehills and presented things in lurid colours so as to inflame popular passions. The written statement of Arun Kumar nowhere talked of

Muslim pollution or Hindu pollution. It was simply a reflection of the viewpoint of the Shrine Board on the pilgrimage, on the land diversion order and on the adverse reaction of the separatist leaders. It was designed to allay the people's fears and put things in proper perspective. Arun Kumar had only told media persons in response to a question that "wrong notion has been created that it is only the *yatris* who are spreading pollution in the forest area. We have started work on constructing around 4000 pre-fabricated structures, including latrines, tents, shops and other structures, which will drastically reduce the pollution. We have also imported water filters from Europe and a total of around Rs. Four crores would be spent on the *yatra*. If the government is thinking that pollution is being spread due to *yatris*, a separate development authority should be established there" (*The Kashmir Times*. June 18, 2008).

Protests, signature campaign and shutdown

Between June 12 and July 1, Kashmir witnessed – apart from the Syed Ali Shah Geelani's Huriyat Conference-sponsored signature campaign – several protests against the land transfer order. Some of the protests and demonstrations were massive affairs. The Valley also observed a complete 8-day-long shutdown between June 24 and July 2. There were police-crowd clashes at several places leading to injuries to both civilians and police personnel. Five civilians lost their lives. The PDP workers were quite active. Approximately 500 persons suffered injuries. At least, nine police personnel also sustained injuries (*Daily Excelsior*, Jammu, July 2, 2008). The main storm centers were Srinagar, Kupwara, Bandipore, Pulwama, Ganderbal, Baramulla and Sopore (Kashmir) and Banihal (Jammu). Everywhere the protesters raised slogans like "Kashmir on sale", "revoke land transfer order" and "we are ready to sacrifice our lives for our land". Anti-India, pro-Pakistan and pro-freedom slogans also rented the air across the Kashmir Valley. The protestors hoisted green and Pakistani flags on important public places, including the clock tower, Lal Chowk, Srinagar, umpteen times during this period. Between June 12 and July 2, a number of police stations came under attack. Zadibal and Kralkhud were two such places (*Indian Express*, June 29, 2008). Private properties also came under attack.

The first initiative for organizing protests came from Syed Ali Shah Geelani. He organized the first ever protest against the land diversion at Yaripora (Kulgam district in Kashmir) on June 13 and addressed a big public rally (*The Kashmir Times*, June 14, 2008). On June 17, the followers of Syed Ali Shah Geelani started a signature campaign. Hundreds of people took part in it. The police swung into action and arrested ten supporters of Geelani (*Ibid*., June 18, 2008).

June 18 saw Sonamarg completely disturbed. The people in their hundreds organized a protest. It was a somewhat massive affair. It was also provocative because "hundreds of protestors" had "blocked the Sonamarg-Leh highway", which resulted in traffic disruption. Innumerable tourists remained stranded for hours together. Residents of Sonamarg "observed a complete shutdown in protest against the transfer of land" as well. Besides, the agitators "staged a sit-in at main chowk, Sonamarg" and rented the air with anti-government and anti-Shrine Board slogans. The protesters accused the government and the Shrine Board authorities of "depriving the locals of livelihood means by allowing the outside state traders and *langerwalals* to do business throughout the *yatra*" (*Ibid*., June 19, 2008). There were reports of violence against the pilgrims. On June 20, the students of the Kashmir University joined the protest over the issue. Earlier, the teachers' association of the Kashmir University had held a protest demonstration. One of the protesting students said: "This protest is a message to those people in the corridors of power that Kashmiris are united against those who have malafide intentions to change our destiny. The students are with the civil society in fighting those villains who want to change the Islamic character of Kashmir" (*Greater Kashmir*, June 21, 2008). On June 21, militant-turned-politician Firdous Sayed wrote in the *Greater Kashmir* that it was not pilgrimage, it was "pillage". He also wrote: "New Delhi has set in motion a plan to destroy the rebellion; the idea is to change us – by destroying our culture, ecology and furthering us from our moorings. Furthermore by making us minority in our own Kashmir, by land grab and encouraging others to populate here".

In fact, on June 24, tourist buses carrying the pilgrims were attacked in Srinagar, leading to injuries to nearly 70 persons, including twelve policemen. The situation turned so alarming that the State Gov-

ernment asked the authorities not to allow the tourist buses carrying the pilgrims to go beyond Ganderbal, which had also witnessed violence against the pilgrims. In fact, the government ensured that all the buses which had left for Baltal were brought back to Srinagar (*Dainik Jagran*, June 25, 2008). Pilgrims came under attack at Ganderbal and Dal Lake as well leading to violent protests in Jammu and several other towns in the province (*Ibid.*, June 27, 2008). The result was a deep fall in the number of pilgrims.

The same day, hundreds of lawyers organized a protest march. Carrying placards and banners and raising anti-government and anti-India slogans, they started from the lower court and marched through several busy areas and roads, including the historic Lal Chowk, Residency Road and Maulana Azad Road. All of them were members of the radical KHCBA. The protest march was led by the association president, Nazir Ahmed Monga, who administered warning after warning that the authorities should immediately cancel the land transfer order or prepare themselves for facing an "agitation" (*Rising Kashmir*, June 25, 2008). The situation, in short, remained tense and volatile after June 12.

The process of mass mobilization appeared complete. The Kashmir-based private T.V. channels and the two widely circulated English dailies *Greater Kashmir* and *Rising Kashmir* did their best to arouse popular feelings. These dailies wrote editorials and published innumerable articles, which could be legitimately termed as seditious. The local TV channels ran programmes almost round-the-clock painting the government black and anti-Kashmiri giving liberal coverage to those carrying on the agitation and indulging in violent activities. The Kashmir-based Kashmiri correspondents, who were working for national dailies, too became part of the movement and filed misleading stories. In fact, correspondents like Sujat Bukhari (*The Hindu*) and Muzamil Jaleel (*The Indian Express*) unleashed a no-holds-barred propaganda blitz against the State Government and sided with the extremists. One of the Jammu-based English daily, *The Kashmir Times*, too joined the anti-government crusade. It virtually became the mouthpiece of the Kashmiri separatists and religious bigots.

The government machinery was in a state of paralysis, notwithstanding some actions it took here and there. It seemed. The law and order authorities watched the ugly developments virtually as mute spec-

tators, thus making easy the task of those mobilizing public opinion against the land transfer order. The Army could not take any action because the civil authorities were against any action against the protestors. The similar was the case of the paramilitary forces like the CRPF and the BSF (Border Security Force). The Government of India also did not do anything to bring the situation under control. The policy-planners in New Delhi, like the civil authorities in the state, believed that any move on their part to intervene might prove counterproductive and alienate further the people of Kashmir. It was a free-for-all situation, with the separatists and the People's Democratic Party leaders and cadres exploiting the opportunity to the hilt to regroup themselves and rejuvenate their organizations and consolidating and expanding their support-base and respective constituencies.

Violation of JKSASA

In the meantime, Lt. Gen. S.K. Sinha relinquished his office on June 25. Former Union Home Secretary and the Union Government's point-man, N.N. Vohra, replaced him. The appointment of N.N. Vohra changed the situation dramatically. It was under this situation that Deputy Chief Minister Muzzaffar Hussain Beig, along with other party leaders and ministers, met Governor N.N. Vohra. He met the Governor on June 26 and asked him to intervene in the matter immediately so that the land transfer issue was resolved and peace and normalcy restored in Kashmir. He told the Governor that he had a solution to the problem. His solution was that the Governor in his capacity as chairman of the Shrine Board should write a letter to the government to the effect that the Shrine Board no more needed the Baltal land and that the *yatra* should be managed by the government. Muzzaffar Hussain Beig met the Governor in the morning (*Rising Kashmir* and *Amar Ujala*, Jammu, June 27, 2008).

The same day, National Conference president, Omar Abdullah, who so far had maintained a low profile, also met the Governor. He met after Muzzaffar Hussain Beig and suggested an identical solution. He told the Governor that there was but one way in which the problem could be resolved and that was by asking the government to take back the Baltal land from the Shrine Board. He, according to reports, told the Governor that the situation in Kashmir was highly volatile and that any failure on his part to take necessary steps might cre-

ate the 1990-like situation in the Valley (*Jammu Jotting*, Jammu, June 28, 2008). After the meeting, Omar Abdullah informed media persons about what transpired between him and the Governor. He also informed that the solution to the problem was in the offing.

This game of one-upmanship miffed Muzzaffar Hussain Beig, who virtually snubbed Omar Abdullah, and said that it was the PDP, which took the initiative first, and asked the Governor to consider its suggestion. This led to a war of words between the two. Both levelled allegations and counter allegations against each other and both tried to score points and let down each other. The intention of both these leaders was to create an impression that they were fighting for the cause of Kashmir and doing all that they could to make the authorities respect the sentiments of the agitating people (*Amar Ujala*, June 27, 2008).

Chief Minister Ghulam Nabi Azad did not lag behind. He met the Governor on June 26 and discussed the prevailing situation with him. He went all the way from Jammu to Srinagar to meet him. The meeting between the two lasted for one hour. It was reported that Ghulam Nabi Azad had, like Muzzaffar Hussain Beig and Omar Abdullah, asked the Governor to write a letter on the lines already suggested by the NC and the PDP leaders. Reports also indicated the Governor's positive response to the suggestion. At the same time, however, it was reported that the Governor had told the various leaders that his main job was to diffuse the situation and establish peace in Kashmir and "not to watch and promote interests of this party or that party" (*Ibid*).

A number of other Kashmiri leaders met the Governor the following day. Two of them were M.Y. Tarigami and Hakkim Mohammad Yasin. They apprised the Governor of the prevailing situation in Kashmir and told him to make the State Government revoke the land transfer order (*The Indian Express*, June 28, 2008). It is important to note that the mainstream leaders, like separatists of all hues, all through maintained that the people of Kashmir were not against the Amarnath pilgrimage, though they were one like Palestinians as far as their opposition to the land diversion order was concerned.

The state unit of the BJP, which had come to believe that the Governor was likely to endorse the suggestion of Muzzaffar Hussain Beig and Omar Abdullah, sought an appointment with N.N. Vohra on

June 27 and decided to send a five-member delegation to Srinagar. The Governor asked the party leaders to meet him on June 29 at 5 pm. The party's central leadership deputed co-in-charge of the party affairs in the state, R.P. Singh, for the job. A day later, the party leadership said that the "acceptance of the suggestion as made by the PDP and the NC and supported by the Congress-led government would simply embolden the separatists and communalists in Kashmir to put forth demands ranging from vacation of the land under the Indian army and paramilitary forces to demilitarization to India-Pakistan joint-control over Jammu and Kashmir and so on". The party also cautioned N.N. Vohra, saying that "any attempt on his part to endorse the suggestion would not only further aggravate the state's religio-political scene, but also provoke explosions of portentous dimensions across the country".

The party leaders, including a university professor and former party president, Nirmal Singh, while addressing a press conference in Jammu on June 28, drew the attention of the state Governor to the "transfer of over 5,000 kanals of forest land to Baba Ghulam Shah Badshah University at Rajouri (during the Mufti regime) and to the ongoing work on the medieval Mughal road, which has resulted in the destruction of over 10,000 trees and 26 wild life sanctuaries" (*The Latest*, Jammu, June 29, 2008). The basic argument of the BJP leaders was that the Governor should not take any decision without taking their party into confidence. The statement of the BJP leaders that the PDP leaders like Muzaffar Hussain Beig needed to be booked forthwith on the "charge of sedition" (*Dainik Jagran*, June 29) clearly demonstrated the extent to which the BJP was angry with Kashmiri leaders.

On the same day, a large number of Jammu-based Hindu parties, including the BJP, the VHP, the BD and the SS, organized a massive protest march, which started from Bhagwati Nagar, Jammu, raising slogans "Bharat Mata Ki Jai" and "Vande Mataram". (Bhagwati Nagar was the base camp for the Amarnath pilgrims.) Later, they staged a sit-in at the busy Jewel Chowk, where they burnt the effigies of Mufti Mohammad Sayeed, Syed Ali Shah Geelani and Muzzaffar Hussain Beig. The protestors also seized the Tawi Bridge and disrupted traffic movement for hours together. They, like the BJP, appealed to the Governor not to accept the suggestions of Kashmiri leaders. VHP presi-

dent, Rama Kant Dubey, even went to extent of making a very strong statement and the statement was to the effect that "the VHP activists will *gherao* (seize) the mosques and Haj houses all over the country to lodge their protest against the move of Kashmiri leaders" (*Daily Excelsior*, June 29, 2008). "If there is no Amarnath yatra, there will be no Haj yatra", he also warned (*Dainik Jagran*, June 29, 2008). At another place in Jammu, the ever-busy and crowded New Plot area, activists of the Beopar Mandal (BM), Jammu, organized a massive protest demonstration, torched several Pakistani flags and burnt the effigies of the coalition government. Kathua and Udhampur districts also witnessed impressive demonstrations. In Kathua district, the people of Ghatti, Budhi, Mertha and Barnoti (all small villages and towns) blocked the vehicular traffic on the Jammu-Pathankot national highway, the state's lifeline *(The Kashmir Times, June 29, 2008)*.

The news that Governor N.N. Vohra had asked the State Government to take back the Baltal land had also agitated BJP national president Rajnath Singh. Commenting on the decision of the Governor, Rajnath Singh, who was in Ranchi (Jharkhand) on June 29, besides demanding imposition of President Rule in Jammu and Kashmir, declared that if the land allotted to the Amarnath Shrine Board was withdrawn, "the BJP will launch a nation-wide agitation" (*State Observer*, Jammu, June 30, 2008). The statement of Rajnath Singh indicated that the state unit of the BJP was not acting independently and that the central and the local BJP leaders were working in unison.

The pleas of the BJP and similar other Jammu-based formations, plus the violent demonstrations and a complete Jammu shut down on June 30, failed to produce the desired results. On the other hand, the meetings between Governor N.N. Vohra and Kashmiri leaders had their impact on the former. This became evident when he in the intervening night of June 28-29 wrote a letter to the State Government on the lines suggested by the Kashmiri leaders. The news about this spread like a wildfire on June 29, the day the BJP's five-member delegation was to leave for Kashmir by air (Jet Airways' aircraft). The Governor's action infuriated the BJP leaders and others of their ilk. They accused the Governor of "surrendering before communal forces" and demanded his dismissal. The same day, the state BJP president, Ashok Khajuria, wrote a very strong letter to the Governor. What he wrote read like this: "We cancelled the meeting to register our protest against your decision to allow the Congress to undermine the authority of the SASB

within 96 hours of the Governor's appointment with a view to appeasing radical groups. You have disappointed the nation and lowered the dignity of the constitutional office by walking into the trap of the Congress, the PDP, the NC and separatists by announcing that the State Government would manage the ongoing *yatra* and that the SASB doesn't require the piece of land under scrutiny. There is no doubt that the action will be construed by extremists and fanatics within and outside the government as a major concession to terrorism and politics of radicalism and blackmail…Besides, your action has made minorities (non-Muslim communities) in the state feel that you have come here to help fanatics promote their regressive and communal agenda". This letter, portions of which were published prominently by almost all the Jammu-based dailies, also urged the Governor to "review" his "stand on the issue and dismiss the Congress-led coalition government" (*The Indian Express*, June 30, 2008).

Several organizations and parties in Jammu like the BJP reacted sharply to the Governor's decision. The VHP, the BD and the SS organized protests in several areas of Jammu province. Hundreds of people came on the roads of Jammu city and burnt the effigies of Gov-èrnor N.N. Vohra. The frontline organizations of the internally-displaced Kashmiri Hindus, including Panun Kashmir, also reacted very sharply, saying that the Governor and the Government of India had conspired against the minority communities in the state and outraged the religious sensitivities of the Hindus. However, the protests in Jammu did not move the authorities.

The Governor struck to his stand. The operative part of his D.O. letter, dated June 29, 2008, said that "In view of the State Government's firm commitment that the requirements and interests of the *yatris* will be fully ensured and protected, the SASB does not need to pursue its earlier request for forest land being diverted for creating the required temporary facilities for the *yatris* by the Board" (*Ibid.*, August 6, 2008).

The operative part of the Governor's letter clearly indicated five things. One was that Gcvernor N.N. Vohra and Chief Minister Ghulam Nabi Azad made up their mind to take back from the Shrine Board the Baltal land and deprive the Shrine Board of its right to make arrangements for the *yatra* as early as on June 26. The other was the behind-the-scene activities of the Union Government, which resulted in the form of the Governor's D.O. letter. It is said that National Security Advisor, M.K. Narayanan, played a significant role. In other

words, whatever N.N. Vohra did he did at the behest of the Union Government. The third was that the parties like the NC and the PDP had lobbied in New Delhi, used their connections at right places and persuaded the South and North Blocks to ask N.N. Vohra to hand over the control of the Baltal land to the State Government, coupled with a warning that not to endorse their suggestion would be only to put the Kashmir Valley on fire and create a situation leading to bloodshed. The fourth was that N. N. Vohra had violated the Shrine Board Act by taking a decision unilaterally. The Shrine Board Act had clearly laid down that the chairman of the Shrine Board could not act on his own and that it was the Shrine Board which had the power to take any decision concerning arrangements for the pilgrimage and facilities for the pilgrims. And, the fifth was that Governor N.N. Vohra, who was already too well-known for his soft attitude towards the Kashmir-based protagonists of greater autonomy, self-rule and independence, acted like a faithful representative of New Delhi in Kashmir.

It would not be out of place to mention here that N.N. Vohra had openly supported the divisive and unsettling formulations of the Chief Information Commissioner, Wajahat Habibullah, during the meeting of the working group on centre-state relations on September 2-3, 2007 at the Kashmir House, Prithavi Raj Road, Delhi. This meeting was chaired by Justice Sagir Ahmad. Prominent among those who attended the meeting included JKPCC chief and Union Minister of Water resources Saif-ud-Soz, BJP national general secretary Arun Jaitley, Leader of Opposition in the state Assembly Abdul Rahim Rather, the then Speaker of the state Assembly Tara Chand, JKNPP leader and former Cabinet Minister Harsh Dev Singh, CPI-M general secretary M.Y. Tarigami, Panun Kashmir chairman Ajay Chrungoo. Wajahat Habibullah, who was not a member of this working group and who had been asked by Prime Minister Manmohan Singh to explain his Kashmir solution in the meeting, had suggested establishment of five assemblies in the state – two each in Jammu and Ladakh and one for the whole of Kashmir on the basis of geography, nay demography. It may be noted that Habibullah is a votary of Greater Kashmir comprising Kashmir and the Muslim-majority areas of Jammu and Ladakh. It is also important to note that while the Panun Kashmir chairman and the JKNPP leader questioned the presence of Wajahat Habibullah in the meeting saying he was an "extra-constitutional authority", all the Kashmir-based leaders appreciated the Prime Minister's move.

Ironically, Arun Jaitley of the BJP, which used to oppose Article 370, the concept of greater autonomy and reorganization of Jammu and Kashmir on regional lines, did not say anything. It was an occasion for him to take on the votaries of Article 370, autonomy and self-rule, but he did not do that. It was the intervention of Ajay Chrungoo and Harsh Dev Singh which resulted in a situation leading to the walk out of Wajahat Habibullah from the meeting. He returned only when all the Kashmiri leaders requested him to reconsider his decision.

Pressure tactics

The Governor's letter to the State Government did not lead to the restoration of peace in Kashmir. Between June 28 and July 7, Kashmir witnessed massive protests and demonstrations, besides a complete shutdown. The separatists, "mainstream" leaders, particularly those belonging to the PDP, lawyers, media persons and members of civil society continued to maintain pressure. They stepped up their activities to hasten the process of land order revocation. On June 28, the separatists organized protests in Bemina, Maisuma, Fatah Kadal, Ram Bagh, Lal Bazar, Safa Kadal, Koker Bazar, Hazratbal, Rawalpora, Zakoora, Qamarwari, Natipora, Batmaloo, Hyderpora and Narbal in Srinagar and Pampore, Pulwama, Ananatnag, Tral, Sopore, Ganderbal and Sheeri in Baramulla and their supporters fought pitched battles with the police (*Kashmir Times*, June 29, 2008). They organized similar violent protests in Kulgam, Baramulla, Sopore and other places in the Valley on June 29 (*Dainik Jagran*, June 30, 2008). The same day, Syed Ali Shah Geelani led a protest rally from the office of Deputy Commissioner, Srinagar, to Khanq-e-Mohalla (*Kashmir Times*, June 30, 2008).

On July 2, Syed Ali Shah Geelani gave the call of Hazratbal *Chalo* and declared that he and the Mirwaiz would address the gathering at Hazratbal on July 4. He made this announcement against the suggestion of the authorities of the Waqf Board that they could not give them permission to address a rally at Hazratbal. The Waqf board was headed by the Chief Minister and it was the duty of the Board to manage all the mosques and shrines attached to it. The Mirwaiz accepted the invitation of Syed Ali Shah Geelani to address what the Hurriyat leaders termed as the "thanksgiving prayer" at Hazratbal. At the same time, he criticized the Waqf Board, saying the "waqf is a public property and we condemn the discourteous attitude of the Board". Both Syed

Ali Shah Geelani and the Mirwaiz were put under house arrest for the whole day on July 4. However, Shabir Ahmad Shah could manage to reach Hazratbal shrine and address the public rally (*Indian Express*, July 5, 2008). It happened for the first time in ten years that the separatists addressed a public rally from the stage of the Waqf Board, controlled by none other than the Chief Minister. As expected, the State Government neither took action against Shabir Ahmad Shah nor against those who facilitated the job of the separatists.

The PDP, which had declared on June 23 that it would withdraw its support to the Congress-led coalition government on June 30 in case the land transfer order was not withdrawn by then, withdrew its support on June 28 (*Greater Kashmir*, June 29, 2008), thus making the position of the Congress-led government quite precarious and setting-in-motion the process of political instability in the state. The situation became critical for Ghulam Nabi Azad all the more because he was then shuttling between Jammu and Mumbai and between the latter and Srinagar because his wife, popular singer Shameema Dev Azad, had to undergo a "critical throat surgery" on June 30 (*Daily Excelsior*, July 2, 2008).

The PDP convened a meeting of the party legislators on June 30. The meeting adopted a resolution asking the State Government to withdraw forthwith the land transfer order. The resolution said that "the diversion of land to the SASB is a simple administrative order, which can be rectified by another administrative order and it should be done sooner than later. There is no fun of keeping the land with the SASB when the arrangements of the *yatra* have already been taken over by the State Government". Besides, it blamed the NC for "having sown the seeds of the crisis by creating the SASB" and attacked Sheikh Mohammad Abdullah and his son, Farooq Abdullah, saying "the foundation stone of the first permanent structure at Baltal was laid by late Sheikh Abdullah and four other permanent structures came up in the area during the regime of Farooq Abdullah".

The resolution, in addition, talked of the peace process and said that "any wrong step at this crucial juncture could completely wipe off the gains of the investment made in the peace process". "The present situation must reinforce the resolve of addressing the political dimensions of the Kashmir issue as the people of the state have repeatedly rejected the status quoists' approach", the resolution, in addition, said (*The Kashmir Times*, July 1, 2008). The resolution left no

one in any doubt that the PDP, like other extremist organizations, was using the controversy over the Baltal land for putting pressure on the Union Government to resolve the Kashmir issue that was acceptable not only to India and Pakistan, but also to the people of Kashmir.

Act of constitutional impropriety

The State Cabinet comprising all the Cabinet Ministers, minus those belonging to the PDP, which had already withdrawn its support to the government, met on July 1 and decided to revoke the land diversion order with an obvious attempt at restoring peace in the Valley. It was a truncated Cabinet. All the 10 Cabinet Ministers, including Hakeem Mohammad Yasin of the PDF, participated in the meeting, which was chaired by Chief Minister Ghulam Nabi Azad. The Chief Secretary, Government of Jammu and Kashmir, S.S. Kapur, read out a draft, "already discussed in detail by Chief Minister with Prime Minister Manmohan Singh, UPA chairperson and AICC chief Sonia Gandhi and National Security Advisor M.K. Narayanan", and asked the Cabinet to consider it. The draft was unanimously approved of by the Cabinet. It was stated during the Cabinet meeting that the State Government will not interfere in the religious affairs and that the duty of the Shrine Board would be only confined to "rituals of *Puja* during the course of *yatra* at the holy cave". At the same time, it was stated that now it would be the responsibility of the State Government's Tourism Department to manage the annual Amarnath pilgrimage and upgrade facilities for the pilgrims (*Daily Excelsior*, July 2, 2008). During the meeting, the prevailing situation in Jammu was also discussed. The Chief Minister was given to understand that the cancellation of the land order would not create much trouble in Jammu. Everything would be brought under control in Jammu within seven days. It was the belief of the Cabinet Ministers, particularly those belonging to Jammu and to the Congress party. The state police and intelligence agencies also held almost similar view. The general view, in short, was that the government decision didn't have the potential of aggravating further the already prevailing volatile situation in Jammu.

The decision of the government to take back the Baltal land was not consistent with the High Courts directions. In fact, the State Government took the decision when the matter was sub-judice. It was clearly contempt of court and an act of constitutional impropriety. It is, however, a different matter that the High Court did not take cogni-

zance of this development. It needs to be underlined that the Ghulam Nabi Azad-led government had no moral, political and constitutional authority to take such decision as it had been reduced to minority on June 28, when the PDP withdrew its support.

Peace in Valley

The announcement of the decision came as a big surprise as no one had ever thought that Ghulam Nabi Azad would tinker with the earlier decision. Even Kashmiri separatists were unwilling to accept that the government had actually taken back the Baltal land. It took them and the agitating people in Kashmir hours together to believe the report.

The decision to cancel the land transfer order evoked a mixed response. While Kashmir suddenly turned normal and jubilant, Jammu exhibited an extreme form of anger. Everyone in Kashmir hailed the government decision. Mehbooba Mufti, president of the PDP, Omar Abdullah and the ACALT all welcomed the decision. The ACA LT asked the people of Kashmir to call off their eight-day-long strike, celebrate the decision as "people's victory" and resume normal activities. Mehbooba Mufti, who came on the scene for the first time as far as the Amarnath Land Row was concerned, hailed the decision, but said her party would "first study and examine...the government announcement according to which (the) SASB land had been made available to Department of Tourism". NC president, Omar Abdullah, expressed happiness over the decision, saying it was taken "pretty late", and "cautioned the people of Jammu against the nefarious designs of several political leaders..." Similar was the reaction of the CPI, the CPI - Marxist and the PDF. Mian Abdul Qayoom, former president of KHCBA and a staunch supporter of Syed Ali Shah Geelani and president of Action Committee, was extremely happy. He congratulated the people of Kashmir and asked them to celebrate the government decision as their splendid victory (*Daily Excelsior & The Kashmir Times*, July 2, 2008). Sajjad Gani Lone of the People's Conference (PC) said "today is a day to declare, share and celebrate a great victory of the Kashmiri people" (*The Indian Express*, July 2, 2008).

The reaction of the supporters of separatist leaders like Mirwaiz Umar Farooq, Bilal Gani Lone, Sajjad Gani Lone, Yasin Malik and Shabir Shah, who were under arrest at that time, was quite typical. It was on the expected lines. Though apparently happy, they sought to

use the opportunity for mass mobilization. More than 10,000 people gathered together in Srinagar and they reached Jamia Masjid. The Mirwaiz had given a call to this effect. Leaders of both factions of the Hurriyat Conference interpreted the government decision as a "remarkable achievement" (*Daily Excelsior*, July 2, 2008). Mirwaiz Umar Farooq said that "the revocation of land transfer order is the fruit of the sacrifices of the people" and asked New Delhi to "see the writing on the wall". Syed Ali Shah Geelani congratulated the people of Kashmir and said that "the government has surrendered before the will and determination of the people of Kashmir" and that "it cannot suppress them by force". "The struggle against land transfer has achieved success. Now we will have to struggle for achieving the goal of freedom", he also said (*The Indian Express*, July 2, 2008). At the same time, he said that "it is not question of 800 kanals of land at Baltal. They are struggling for eight lakh kanals of land, which is under the illegal occupation of the army" (*Amar Ujala*, July 2, 2008). "The ongoing movement will come to a logical end only after India is forced to completely remove its troops from Kashmir land", he, in addition, said (*The Kashmir Times*, July 2, 2008).

All this shows that what the Kashmiri leaders did to get the land transfer order revoked was not a mere reaction. It was part of the ideological campaign which had been going on in Kashmir, particularly since 1947.

Perfect peace and normalcy returned to Kashmir on July 2, with the people resuming their normal activities. On the other hand, with the announcement of the government decision on July 1, the forces, which were already up in arms in Jammu and elsewhere in the country, began to redesign their strategy leading towards a new and very strong wave of anti-government struggle. They had taken the government decision as a concession to "terrorism" and "politics of emotional blackmail" and as an "affront to their self-respect" and "deliberate onslaught on their religion and culture". The months of July and August would see enormous crowds of angry and determined people of Jammu on the roads demanding cancellation of the July 1 Cabinet order and restoration of the Baltal land to the Shrine Board.

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CHAPTER – II

MASS UPSURGE IN JAMMU

As mentioned earlier, the relations between Kashmir and Jammu were not cordial. As a matter of fact, the relations between the two provinces had never been friendly ever since March 1846, when Kashmir became part of the Jammu kingdom under the Treaty of Amritsar, signed between the British Government and ruler of Jammu, Gulab Singh, and when the State of Jammu and Kashmir came into being. The formation of Jammu and Kashmir was a quirk of history. The Kashmiri leadership consisting mostly of religious preachers had not taken kindly to this development. It was of the view that the British Government had "sold the honour, dignity and life of Kashmiris" to the Dogra Maharaja by selling Kashmir to him. The Dogra ruler had paid Rs. 75 lakh to the British Government in lieu of Kashmir.

Between 1846 and 1947, Kashmiri leadership, both religious and political, registered its opposition to the Treaty of Amritsar umpteen times. It approached the British Government several times and asked it to enable Kashmir to become independent of Jammu. Several Kashmiri Muslims, who had settled outside Kashmir in provinces like Punjab and the Lahore-based vernacular press and Anglo-Indian papers and journals like the *Eastern Times*, *Civil and Military Gazette*, *The Kashmir Magazine*, the *Zamindar*, the *Paisa Akhbar* and so on had also been extending their unstinted support to the protagonists of Kashmir's segregation from Jammu. During this period, Kashmir witnessed several uprisings and movements. Of all the uprisings, the ones which took place in 1924, 1931 and 1946 were massive affairs leading to several police-crowd clashes, many deaths, police firing at many places, attacks on the symbols of the government authority and arrests. The revolt in 1946 against the Dogra ruler was very serious because it was engineered by Sheikh Mohammad Abdullah to ensure the separation of Kashmir from Jammu and rid the Kashmir Valley of all Jammu Dogras. This revolt is popularly known as the Quit Kashmir Movement (*Hari Om, Muslims of Kashmir*, Delhi, 1986, PP. 92-117).

The hostile attitude of the Kashmiri leadership to the Treaty of Amritsar and its insistence on separation had their impact on the people of Jammu. They saw in these revolts and agitations elements of communalism and interpreted the same as a manifestation of the Kashmiri leadership's hatred for Jammu and its people. The result was that they and the people of Kashmir lived in the state as races apart for all practical purposes. The people of both the provinces held aloof from each other. There was no emotional integration. Nor was there any kind of political integration between the two. The political behaviour of the Jammu-based political leaders, barring those close to the RSS, was, however, different. They maintained good relations with Kashmiri leaders because they could not go against the suggestions of their party high command – Jawaharlal Nehru and the Congress. The Kashmiri Muslims seldom visited Jammu. On the contrary, the people of Jammu not only frequently visited Kashmir, but also set up their business houses there. They also held several positions in the Darbar, which functioned in Kashmir and Jammu during the summer and winter months, respectively. Even this practice failed to bring the people of Jammu and Kashmiri leadership close together.

The situation took a new twist in October 1947, when Prime Minister Jawaharlal Nehru, who was very much impressed with the role of Sheikh Abdullah in the move leading to the state's accession to the Indian Dominion on October 26, 1947, became instrumental in the transfer of political power from Jammu to Kashmir. He did it at the behest of Sheikh Abdullah, who first became the Emergency Administrator of the state and then Prime Minister. Sheikh Mohammad Abdullah, who founded the NC in 1938 to fight out the Dogra ruler and ensure the Kashmir's political emancipation from Jammu, had changed himself overnight. He no longer wanted the Kashmir's separation from Jammu. Now his aim was to rule both Kashmir and Jammu. His task was facilitated by the Government of India.

The people of Jammu disapproved of the actions of the Government of India and accused it of harming their political interests by throwing in their lot with Sheikh Abdullah, who had become thoroughly unpopular in Jammu because of his pre-1947 activities. There also prevailed widespread resentment in Jammu province over what they called "shabby treatment" the Government of India and Sheikh Abdullah accorded to the state ruler, Hari Singh, who acceded the state to India as per law laid down by the Indian Independence Act. .

As expected, a vocal section of people of Jammu province reacted to these developments. The RSS also jumped into the arena and the result was the formation of All Jammu and Kashmir Praja Parishad in November 1947. Balraj Madhok, a staunch RSS follower, became instrumental in the formation of this political party. Soon, it became very popular. The reason was that it articulated the views the people of Jammu province held very dear (*Craig Baxter, The Jana Sangh*, Philadelphia, 1969, PP. 59, 75-76, 116-17).

Like Kashmir, Jammu also witnessed a number of mass movements between 1952 and 1998, all directed against the Kashmiri leadership. The 1952-53 saw Jammu province up in arms against the Government of India and the government of Sheikh Abdullah. The Praja Parishad, which was ably backed by the RSS and the Jana Sangh, founded by Dr. Shyama Prasad Mookerjee and others on October 21, 1951, in the presence of 500 delegates, at Ragho-Mal Girls Higher Secondary School, New Delhi, started "*Ek vidhan* (one constitution), Ek nishan (one flag) and *Ek pradhan*" (one prime minister) movement in Jammu. This was a very powerful and mass-based movement. It was designed to force the Government of India to abrogate Article 370 and ensure political empowerment of Jammu and Ladakh within the Constitution of India. The Praja Parishad organized its first demonstration in February 1952 and declared that it wanted full merger of Jammu and Ladakh with India with the status of statehood (*Ibid*., P. 117). This movement, besides hastening the process of the state's integration with India, virtually led to the collapse of the government of Sheikh Abdullah and his arrest in August 1953. In between, scores of activists and leaders of the Praja Parishad were put behind the bars.

Peace prevailed in Jammu between August 1953 and 1966. Jammu province witnessed a number of strikes during 1966-79. The principal storm centers were Poonch, Rajouri, Kishtwar and Jammu. One of the agitations continued for 94 days in Jammu, Rajouri and Poonch. Between 1966 and 1981, the State Government set up three commissions to placate the Jammu people, namely Gajendragadkar Commission (1967), Qadri Commission (1972) and Sikri Commission (1979). While the first and third commissions were to look into the complaints of the people of Jammu and recommend measures to rectify the regional imbalances, the Qadri panel was to examine the demand for creation of more districts in Jammu province.

The commissions dealing with regional disparities and inter-regional animosities candidly admitted "injustice" to the Jammu region and recommended a statutory development board for Jammu, plus Deputy Chief Minister-ship for Jammu in the event of a Kashmiri being elected Chief Minister. The Qadri Commission, on the other hand, rejected the demand for creation of any new districts either in Jammu or in Kashmir.

It may sound ridiculous but it is a fact that the State Government not only repudiated the report submitted by Gajendragadkar and S.M. Sikri, both former Chief Justices of India, but also set up on its own three new districts in the Kashmir Valley in 1978, namely Pulwama, Kupwara and Budgam, and one in Ladakh region, namely Kargil.

Again, though ridiculous it may seem, in 1981, the State Government rejected the unambiguous recommendation of the Wazir Commission that three new districts be set up in Jammu province, namely Reasi, Kishtwar and Samba. The Wazir Commission was appointed after a series of agitations in the Jammu province against the formation of new districts in Kashmir as well as Ladakh. Then, again, in 1987, the State Government decided to do away with the 150-year-old practice of Darbar movement from Jammu to Srinagar and back, and set it up permanently at Srinagar. This led to a great upheaval in Jammu. Such was the nature of the movement that the State Government had to dispense with the idea.

The year 1998 witnessed in Jammu a massive movement. It was started on February 28 and it ended on May 7. In between, Jammu observed a continuous 17-day long shutdown. It was the longest ever shut down in any part of the state, or for that matter in any other part of India, had witnessed thus far. It was basically a student movement, which also witnessed umpteen police-student and police-crowd clashes. The cause was the admission policy for the technical and professional institutions. The 1998 movement had virtually brought the State Government to the knees of the agitating people, including students. The educational institutions remained closed for nearly sixty days. The government offices could not function normally. Had the State Government not initiated dialogue with the agitating people in April and concluded a truce with them on May 7, the Government of Farooq Abdullah would have surely collapsed.

What happened in Jammu province between 1947 and 1998 was an indication that there existed bitterness between the people of Jammu and the Kashmiri leadership and that the differences between the two were quite sharp. Even after 1998, the relations between the people of Jammu and the Kashmiri leadership did not really improve. In other words, bitterness between the two continued unabated. And, it was under this already rather tense situation that the State Governor and the State Government became instrumental in the withdrawal of the land transfer order, thus annoying further the already rather dissatisfied people of Jammu province.

Developments between June 18 and 30

As pointed out earlier, the BJP was the first to react to the opposition in Kashmir to the land transfer order. On June 18, 2008, the state unit of BJP denounced Deputy Chief Minister Muzzaffar Hussain Beig for his stand on the issue and asked the Congress in general and Chief Minister Ghulam Nabi Azad in particular to sever all kinds of ties with the PDP and stop work on the Mughal road. The BJP spokesman said that the "construction and reopening of Mughal road would not only pose a real danger to wildlife and harm bio-diversity, but would also help the protagonists of Greater Kashmir comprising the Muslim Kashmir and the Muslim-majority areas of Jammu and Ladakh to achieve what they couldn't during the last sixty years". It told the Congress that "late Prime Minister Indira Gandhi and her security advisors had put their foot down saying the construction of the Mughal road would help Pakistan establish its control over the Poonch-Rajouri areas" (*Kashmir Times*, June 19, 2008).

A very significant development took place on June 20. That day, Leader of Opposition in the Lok Sabha and the BJP's prime ministerial candidate, L.K. Advani, stood solidly behind Governor Sinha and declared in Srinagar that the "problem" was within the State Government and not with the Governor. "I do not see why the Shrine Board set up in respect of the Vaishno Devi (in Jammu) should be given all kinds of facilities and Shrine Board relating to Amarnath in the Valley should not be given similar facilities", asked L.K. Advani. At the same time, he appealed that the pilgrimage should not be "dragged into any controversy." (*Greater Kashmir*, June 21, 2008). L.K. Advani had, it may be noted, stayed at Raj Bhawan for a day on June 20. He

had gone to Kashmir to pay obeisance at the Holy Amarnath cave. L.K. Advani's remarks were disliked by the Kashmiri leadership as well as by the Kashmir-based print and electronic media. They attached motives and sought to create an impression that both the Governor and the Leader of Opposition were hand-in-glove with each other. They took the remarks of L.K. Advani to mean an additional opportunity for stepping up their anti-Governor and anti-India activities.

On June 22, state BJP president, Ashok Khajuria, said that Muzzaffar Hussain Beig had incited "communal passions" by making an outrageous statement against Governor Lt. Gen. S.K. Sinha and his Principal Secretary. He described the PDP leader's statement as a deliberate move to "communalize the atmosphere across the state" and warned that the people of Jammu will observe a complete shutdown and resort to "economic blockade" in case they refused to abandon the path of confrontation (*Kashmir Times*, June 23, 2008). The threat of economic blockade was repeated by the BJP on June 25. It also asked the Congress to break all its ties with the PDP saying such an approach had become absolutely imperative in view of the fact that the "PDP has not only vitiated the Amarnath yatra, but it is also opposing almost every step of the government for vote-bank politics and polarizing the state on communal lines" (*Indian Express*, June 26, 2008). Four days later (June 29), Ashok Khajuria once again declared that the BJP had made up its mind to enforce economic blockade and declared that Jammu shall observe a complete hartal on June 30 (*Dainik Jagran*, June 30, 2008). Jammu observed a complete shutdown on June 30. The BJP cadres and others clashed with police at several places and blocked the capital city's main roads.

On the other hand, the BJP high command made its intentions public by stating that it would make optimum use of the Amarnath land issue during the general elections. In fact, on June 30, L.K. Advani declared in Bhopal (Madhya Pradesh) that the "Amarnath Shrine Board-related land matter would be a chief issue in the next general elections". He did not utter a single word against or in support of the threatened economic blockade, although it and the reaction against it in Kashmir had been widely reported between June 23 and June 29. (L.K. Advani was there in Bhopal to release the Hindi version of his autobiography *Mera Desh Mera Jeevan* (My Country My Life.) He spoke extensively on the land issue and stated that the decision of the

State Government was "communal" and that it was not just the PDP which had opposed the decision, but the Congress was also against the "allotment" (*Daily Excelsior*, July 1, 2008).

The reaction of BJP national president, Rajnath Singh, and vice-president, Mukhtar Abbas Naqvi, was no different. While Rajnath Singh decided on June 30 to convene a meeting of office-bearers to review the situation arising out of the "recent developments" in Kashmir and prepare an "action plan" following the State Government's "U-turn…", Mukhtar Abbas Naqvi asked the Union Government and the State Government the same day "not to succumb to the machinations of anti-national and anti-Indian forces." (*Ibid*). Like L.K. Advani, Rajnath Singh and Mukhtar Abbas Naqvi also did not say anything about the threatened economic blockade.

It was, however, the BJP national general secretary and former Delhi Chief Minister, Sushma Swaraj, who was highly critical of the Congress. Speaking at the party induction ceremony of Lok Janshakti Party national women wing head Latika Sharma at New Delhi, she said "people are wondering how in a country of 100 million people, 100 acres of land could not be allotted to a deity, who was dear to millions across the nation". She attacked the Congress and said the land transfer issue had "exposed the convoluted secularism façade of the ruling Congress with people across the country wondering how it sacrificed the faith of millions to stay back in power". "The BJP is against the mentality which did not accept singing of 'Vande Mataram', which advocated human rights of terrorists, and which violently protested transferring of land to the SASB…", she also said (*Ibid*., July 5, 2008).

The statements of L.K. Advani, Rajnath Singh and Mukhtar Abbas Naqvi only demonstrated that the BJP had seen in the row over Amarnath land an invaluable opportunity which, if exploited, could enable it to beat its political rivals in the general elections and regain power at the centre. Earlier, it had adopted a similar line on the Ayodhya issue to expand its constituency and come to power in Delhi in 1998. It is an altogether a different story that the BJP did nothing between 1998 and April 2009 to help the VHP construct a "magnificent Ram temple" at Ayodhya. It was for the first time after eleven years that the BJP thought it necessary to incorporate Ayodhya in its 2009 election manifesto. The reasons are not far to seek. The most

notable one was vote-bank politics and nothing else. Indeed, one of the factors which led to the defeat of BJP in the 2004 general elections was the people's realization that it was not really committed to its core ideology and that it had simply exploited the Ram temple issue for electoral gains.

It needs to be underlined that the BJP was not really committed to enforcing economic blockade. It turned out to be a mere rhetoric as it took no step whatsoever in this regard. However, the threat of economic blockade electrified the situation in Kashmir and evoked very strong reactions. The Srinagar-based dailies, which had already indicated their strong opposition to the land transfer, gave extensive coverage to the statements of BJP leaders using a particular style. The result was that the opponents of land diversion and "freedom fighters" in Kashmir gave a more violent orientation to their movement. What they did was not altogether unexpected. They had in the past used every development in Jammu as a ploy against India, heightened tensions in Kashmir and propagated their regressive and separatist ideology.

Formation of Sangharsh Samiti

In between, the VHP and the Shiv Sena Hindustan (SSH) too had reacted to the remarks of Muzzaffar Hussain Beig. The HSS had dubbed his remarks against Arun Kumar as the "communal face" of the PDP and said if the Hindus did not have any objection to the construction of Haj houses, then why were the separatists opposing the land transfer order ? On the other hand, the VHP had demanded dismissal of the government and imposition of Governor Rule. It had urged the people, including lawyers, to organize protests against Muzzaffar Hussain Beig and others who had used harsh words against Arun Kumar and Lt. Gen. S.K. Sinha (*Indian Express* ; Daily Excelsior, June 21, 2008). The VHP had even gone to the extent of terming Muzzaffar Hussain Beig as "jihadi without gun" (*Dainik Jagran*, June 23, 2008).

However, the most significant development which took place between June 18 and 30 was the formation of a *Sangharsh Samiti*, about which the people came to know only on July 1. The formation of the *Sangharsh Samiti* was the brain-child of the RSS and the BJP, though several other saffron groups, all affiliated to or created by the RSS,

were part of the process. What led to the formation of the Sangharsh *Samiti* was the opinion of the RSS, the BJP, the VHP, the BD and the Akhil Bharatiya Vidyarthi Parishad (ABVP) that the BJP, which played an important role in mass mobilization by addressing press conferences, issuing press statements and organizing demonstrations at different places between June 22 and 28, neither have the required capacity nor the required support-base and strength for taking the agitation to a logical conclusion. All these formations were of the view that only a "non-political platform" would be acceptable to the people and that to allow the BJP alone to spearhead the movement any longer against the authorities would be to ensure the collapse of the agitation.

All this transpired in an emergency meeting of representatives of the various Hindu organizations, held on June 29 at 10 am at Ved Mandir, Jammu, which also houses the offices of several RSS formations, a school and a dispensary. It was convened by the RSS *Pranatiya Pracharak*, Arun Kumar to discuss the situation arising out of the June 28-29 Governor's communication to the State Government and chalk out a strategy aimed at defeating the authorities' decision to take back from the Shrine Board the Baltal land. The prominent among those who participated in the meeting included Arun Kumar; BJP state president, Ashok Khajuria; member national executive and former BJP president, Nirmal Singh; BJP general secretary and RSS Pracharak, Ajay Jamwal; VHP president, Rama Kant Dubey, former VHP president, Tilak Raj Sharma; in-charge RSS-sponsored Purv Sainik Parishad (PSP), Brigadier Suchet Singh; the RSS-controlled Sanatan Dharm Sabha (SDS) president, Dharni Dhar Sharma; former co-chairperson of the RSS-sponsored Jammu State Morcha (JSM), Romesh Sabbarwal; and ABVP organizing secretary, Shrihari. The meeting continued for more than two hours.

It was in this meeting that a decision was taken to form what they called a "non-political" body, which would be charged with the responsibility of spearheading the land-restoration-movement. It was styled "Shri Amarnath *Yatra Sangharsh Samiti* (SAYSS). In fact, those who participated in the meeting revived the defunct SAYSS, which had come into being in 2004 during the controversy over the issue of duration of pilgrimage period. It was also decided in the meeting that the BJP would neither rake up any political issue during the course of

agitation, nor would it organize any demonstration on its own. The decision was that the SAYSS and the BJP, like other RSS outfits, would work in tandem but function in a manner that would convey an impression that they were not the two sides of one and the same coin. Besides, the meeting decided that the BJP would extend its support to the SAYSS from outside. This decision was also taken to avoid the impression that the SAYSS and the BJP were one. Those who participated in the meeting became the members of the core group, which would meet regularly to discuss the day-to-day developments concerning the agitation and take decisions accordingly. Later on, a senior RSS functionary, Ashok Kaul, and former Minister of State in the Union Cabinet and BJP leader, Chaman Lal Gupta, also became members of this decision-making core group. The meetings of this core group were held at the "safe" Ved Mandir at regular intervals. The venue remained the same throughout.

Leela Karan Sharma, an advocate by profession and a pledged RSS follower, was made convener of the SAYSS. Not because he was an established leader, but because he would follow instructions without any reservation. He had no constituency of his own. Nor was he ever known for his oratory or clarity on issues or for any role in public life. His role was simply to lead the agitation. In due course of time the SAYSS established its branches in almost all the towns, particularly in the Hindu-majority area, mostly headed by the RSS, the BD and the VHP activists. The objective was to ensure implementation of the decisions of the SAYSS.

The real actors, who would actually work behind the scene and guide Leela Karan Sharma (who had not attended the June 29 Ved Mandir meeting) and his team, were some top RSS and BJP leaders, *Pranatiya Pracharak* Arun Kumar; *Kshetriya Pracharak* Dineshji and BJP national general secretaries Arun Jaitley and Ram Lal included. It can be said without any hesitation that Jhandewalan and 11 Ashoka Road, Delhi, were the real decision-makers and Leela Karan Sharma no more than a *makhota* (mask). It is evident from the fact that the Pranatiya Pracharak, Arun Kumar, and the BJP general secretary (organization), Aajy Jamwal, shuttled between Jammu and Delhi during the period of agitation a number of times.

The strategy worked out in the June 29 meeting to make the SAYSS broad-based and enlist the support of the masses clicked. On

June 30, Leela Karan Sharma, at the behest of the core committee, convened a meeting of representatives of various organizations at the Jammu's Geeta Bhawan, a RSS-controlled building, to enlist their support and ascertain their views on the Amarnath land issue. Besides several members of the core committee, the meeting was attended by representatives of several Jammu-based social, religious and marginal political groups.

Some of the organizations whose representatives took part in the meeting included the BJP, the Hindu Jagran Manch (HJM), the VHP, the Hindu Jagran Samanvay Bibhag (HJSV), the BD, SDS, the Arya Samaj (AS), the Brahmin Pratinidhi Sabha (BPS), Rajput Kshatriya Sabha (RKS), the Arora Vansh Sabha, the Shiv Sena (Bal Thakery), the SSH, the Hindu Shiv Sena (HSS), the Rashtriya Sevika *Samiti*, the Durga Vahini (DV), the Kashyap Rajput Sabha (KRS), the Sant Ravi Dass Sabha, the Rashtriya Sikh Sangat, the Jain Sabha, the Mahajan Sabha, the Aggarwal Sabha, the Sadhu Sant Samaj, the Jammu and Kashmir Vichar Manch (JKVM) and the Jammu Chamber of Commerce and Industry (CCI). The meeting was a great success. Ten of these organizations were the creations of the RSS.

Some of the prominent persons (apart from Leela Karan Sharma), who participated in the meeting, included Ashok Khajuria, Rama Kant Dubey, Brigadier Suchet Singh, CCI president Ram Sahai, S. Surrinder Singh, Baldev Khullar, Swami Dinesh Bharati, Mahant Rameshwar, Mahant Shub Narayan Dass, Anan Sharma, R.L. Bhat and Darshan Mehra. Almost everyone supported the idea of a full-scale campaign against the authorities. It was here that a formal announcement regarding the formation of the SAYSS was made. The announcement was made, along with a call for 72-hour-long Jammu shutdown, a plea for unity among Hindus across the country (*Indian Express*, July 3, 2008) and three specific demands – restore the Baltal land to the Shrine Board, recall Governor N.N. Vohra and dismiss the Congress-led government (*Daily Excelsior*, July 1, 2008). The emotionally surcharged and extremely angry people welcomed the re-emergence of the SAYSS and soon started offering their unqualified support to it. That the efforts of the SAYSS had produced the desired result became quite evident when the people observed a complete three day *hartal*. There was no coercion. The people's participation was voluntary.

Those who took part in the meeting on June 30 became members of the general house of the SAYSS. This general house didn't have the power to formulate policies. Actually, it was constituted to facilitate implementation of the decisions of the core group. Most of the members of the general house were not aware of the existence of the core group. For the first few days, it was up to the convener of the SAYSS and his team and the core group to call or not to call meeting of the general house. Things changed particularly after July 23, which made it incumbent on the part of the SAYSS leadership to hold general house meeting everyday at 5 pm. It became a regular feature. The venue (GB) remained unchanged. When the movement became very strong and popular after July 23, when Kuldip Verma of Bishnah committed suicide at Parade Ground, Jammu, in reaction to the Omar Abdullah's July 22 statement in the Parliament that "we will not give an inch of land to the Shrine Board", the real forces behind the agitation decided to constitute one more core group. (Omar Abdullah was applauded by everyone sitting on the treasury benches, including Prime Minister Manmohan Singh and UPA chairperson Sonia Gandhi. This turned out to be an additional cause of provocation.) The formation of a broad-based core group had become necessary because after June 23 almost all the Jammu-based organizations representing various interests and segments of society had become constituents of the SAYSS.

This was a 33-member core group. Convener of this group was Leela Karan Sharma. The members were: Brig Suchet Singh (PSP), Tilak Raj Sharma (RSS), Ramesh Sabbarwal (RSS), Gautam Mangi (RSS), Ramakant Dubey (VHP), Surinder Aggarwal (VHP), Ashok Khajuria (BJP), Ramesh Pappa (ABVP), Narinder Singh (ABVP), Ram Sahai (CCI), Narayan Singh (president, Rajput Sabha), Virender Gupta (President, Jammu State Morcha – Progressive), Jitendra Singh (Professor in Jammu Medical College and spokesman of SAYSS), B.S Salathia (president, Bar Association Jammu), Yash Paul Gupta (president, Retailer Association), Kuldeep Singh (president, Transporters' Union), Vijay Sharma (Transporters' Union), Pawan Kohli (BJP and retired Sub-Divisional Magistrate), Shyam Churamani (SDS), Rajesh Kesari and Rajesh Gupta (United Hindu Shiv Sena), Anan Sharma (president, Tankers' Union), Uday Chand (Duggar Manch), Chander Mohan Sharma (Praja Parishad), Bhola Nath (educationist and RSS

man), S. Surrinder Singh (president, Gurudawara Parbandhak Committee), S. Virenderjeet Singh (president, Sikh National Front), Jagdish Langer (industrialist), Kamlesh Paroch (RSS), Hira Lal Bhat (RSS-sponsored Jammu and Kashmir Vichar Manch), R.L Bhat (Kashmir Intellectual Forum) and Dev Raj Baru (president, Brahmin Sabha). The composition and complexion of the 32-member core group shows that as many as 20 of its members belonged to the RSS family.

Most of the members of the 32-member core group, like a vast majority of members of the general house, also did not know if another core group existed. The role of this core group was similar to that of the general house. To be more exact, its role was to endorse the decisions taken by the other core group, which was under the complete control of its Delhi-based masters. The broad-based core group would meet at regular intervals and endorse all the decisions taken by the smaller core group after some discussion. Thereafter, the SAYSS leadership would go to the general house, place before it the decisions already taken by the broad-based core group and obtain its consent which would again be not a very difficult task because most of the members of the broad-based core groups were also members of the general house. This was the line the SAYSS pursued all through, notwithstanding the fact that on several occasions certain radical young and impatient members did raise their fingers against certain decisions. They wanted the *samiti* to adopt all kinds of means to achieve the goal.

The moral of the story is that there were practically three core groups. One, which was all-powerful and based in Delhi, the other operated from Ved Mandir and the third broad-based core group functioned from Geeta Bhawan and on certain occasions from Ved Mandir. It can be said that the SAYSS took no decision except in consultation with the Delhi-based RSS and BJP leaders as well as Dineshji and Arun Kumar.

The activities of the SAYSS were closely monitored by the RSS. The RSS headquarters at Nagpur and Jhandewalan assigned the task to *Kshetriya Pracharak* Dineshji and also sent to Jammu the ABVP national secretary, Romesh Pappa, to coordinate things. Dineshji visited Jammu at regular intervals. When the agitation was at its peak, he remained stationed in Jammu for nearly two weeks, During his vis-

its, meetings of the smaller and the real core group would be organized by the Jammu-based RSS functionaries and its representatives in the BJP, where Dineshji would discuss organizational matters and matters relating to the SAYSS and the ongoing agitation, as also ways and means which could lead to the success of the agitation. Such meetings were mostly held at the residence of Chaman Lal Gupta. On occasions, Dineshji would direct the BJP not to react to the statements of the separatists or the opponents of agitation. When the agitation was at its zenith, he asked the BJP to stop holding press conferences – a direction the BJP accepted but with considerable reluctance. The local BJP leaders were of the view that Dineshji was not allowing them to function independently, thus rendering their party ineffective for all practical purposes.

It is important to note that the BJP, which used to hold press conference against the authorities and in support of the agitation almost everyday at 12 o'clock at party headquarters, could organize only a couple of press conferences between August 15 and 31. The BJP was, in fact, required to seek permission for holding press conference or organizing any activity. The BJP remained in limelight before August 15 because of its aggressive campaigning through the media and because the print and electronic media gave extensive coverage to whatever the BJP said and did. In fact, it was not Leela Karan Sharma, who was spearheading the movement, but the BJP leaders who had become the newsmakers because of their timely interventions and effective formulations. It is difficult to avoid the conclusion that Dineshji applied brakes only at the behest of Leela Karan Sharma, who was feeling marginalized, and did all this to ensure that the SAYSS remained in limelight.

Problems of SAYSS

Though the SAYSS was successful in enlisting the support of the already rather willing people, it faced some serious problems. It was intellectually ill-equipped. It had none who could articulate its viewpoint or present its views in an effective manner. Most of the office-bearers of the *samiti* appeared to be a confused lot. It had become extremely difficult for them to handle the ever alert media persons. Even Leela Karan Sharma was not able to articulate things. The single-

point agenda of the SAYSS was to compel the government to give back to the Shrine Board the Baltal land. It had no mandate to rake up the issue of discrimination against Jammu or make any political statement. But the office-bearers of the SAYSS, including Leela Karan Sharma, created confusion umpteen times by going beyond the confines of the declared mandate. On several occasions, they created an awkward position for their constituents, who had made common cause with the *samiti* on the premise that it was a non-political formation. Though the BJP was its most important constituent, the office-bearers of the SAYSS had taken a decision that they would not allow the BJP leaders to share platform with them. This decision had prevented the SAYSS from utilizing the services of the BJP in this regard.

The failure of Leela Karan Sharma and his team of office-bearers compelled the small core group to think in terms of nominating certain persons with a clear vision as spokespersons of the *samiti*. Certain members of the core group were very clear that the struggle against the authorities and separatists was "purely ideological". They suggested that Leela Karan Sharma, who had bungled several times, should be debarred from going to the local TV channels and meeting the press, and that persons like Ajay Chrungoo and Agnishekhar of the PK and R.L. Bhat of the JKVM should be requested to perform the job. Their argument was that they were not only good orators, but also persons with a clear vision. But their suggestion was apparently overlooked. Instead, Leela Karan Sharma appointed Narinder Singh and Rajinder Mishra (university teachers), K.K. Khosa (known for his very soft attitude towards the APHC) and Jitendra Singh (doctor-cum-columnist) as spokespersons of the *samiti*. Obviously, he made this selection with the consent of the RSS top brass.

While Narinder Singh performed his job well, Rajinder Mishra and K.K. Khosa played havoc. Rajinder Mishra even went to the extent of demanding segregation of Jammu from Kashmir. He would talk more of discrimination than of the real issue. His utterances during the NDTV 24x7-sponsored "We the people" programme created widespread resentment across Jammu. Jitendra Singh, also known for his fondness for the Nehruvian approach to issues, participated in this debate on the crisis in Jammu and Kashmir as well. He took a line which he should have as the *samiti* spokesperson very effectively, but

Rajinder Mishra took an altogether different line, thus creating an impression that the SAYSS was a divided house. Certain members of the core group protested, but the RSS leadership expressed helplessness in this particular case for reasons best known to it. The utterances of Brigadier Suchet Singh, who also handled media a number of times, also indicated that he was not fully equipped for the job. However, in fairness to them, it may be argued that most of them were not political persons. They were virtually green-horns in the arena of politics of ideology.

The other problem was gross indiscipline and urge of the representatives of the RSS-affiliated constituents of the SAYSS for stealing the show and hoodwinking and humiliating others. Take, for example, what happened on August 15. On the Independence Day, the SAYSS was to boycott the official function and organize its own (one hundred) functions across Jammu region at all district and tehsil headquarters. The *samiti* leadership had assigned the task of hoisting the national flag at stipulated place and time to heads of the various constituents much in advance so that the functions were well-organized. But to the surprise of most of the non-RSS constituents, the flag hoisting ceremony took place before the stipulated time. The BJP, in particular, did not come up to the expectations. The hoisting of national flag by certain BJP leaders before the stipulated time led to heart-burning. Some of the heads of the non-RSS constituents accused the BJP of "hoodwinking" them. They said that the SAYSS was only interested in exploiting the non-RSS constituents and utilizing their energy and resources for promoting the cause of the BJP.

The third, and the most serious, problem was the confusion within the RSS. On the one hand, the local RSS leaders wanted that their name should not be dragged in any controversy and that they wanted to use their influence from behind the scene, certain top-ranking Delhi-based RSS leaders wanted to convey the impression that they were the real masters of the show. For example, Indresh Kumar, who had been working among the Muslims at national level in order to propagate among them the RSS ideology for years, was one such RSS top-ranking functionary. He visited Jammu on August 10 to take stock of the prevailing situation. He took the opportunity to address a press conference at Geeta Bhawan. Leela Karan Sharma was also present.

During the press conference, which was also attended by the national convener of the RSS-founded Muslim Rashtriya Munch, Mohammad Afzal, media persons put several straight questions to Indresh Kumar. Two of the questions were: "How is it that the Muslims are not coming forward to support the agitation and what about the Muslims of Kashmir, Doda, Poonch and Rajouri, where you worked for several years? His answer to the first question was that "Muslims from outside the state will extend their support", but his answer to the second question was "very ambiguous". It did not convey anything. It may be mentioned that Mohammad Afzal had come to Jammu, along with 15 others, to extend support to the SAYSS (*State Times, Jammu*, August 11, 2008).

It was at this juncture that media persons started asking questions to Leela Karan Sharma about the progress of the agitation and other related matters. Indresh Kumar interjected and asked them to "put questions to him as he was addressing the press conference". He wanted to tell media persons that the SAYSS was under the complete control of the RSS. Media persons retorted, saying "Leela Karan Sharma is the convener of the SAYSS" and that "they are not well-versed about your locus standi". After this Indresh Kumar left the press conference in a huff.

*All this shows that things were not that smooth for the SAYSS at orga*nizational level and that the relations between Leela Karan Sharma and his team and the BJP were far from normal despite the fact that it was the organizational machinery of the BJP on which the *samiti* depended all through. It would be only appropriate to say that Leela Karan Sharma had turned arrogant and over-ambitious owing to the unqualified support of the people to the SAYSS. He took the people's support to mean the support to his leadership. It may appear unbelievable, but it is a fact that L.K. Advani had to cancel his Jammu visit due to the opposition of Leela Karan Sharma, notwithstanding the fact that everything had been finalized by the BJP national general secretary (organization), Ram Lal, in consultation with Pranatiya Pracharak, Arun Kumar, and some local BJP leaders. Leela Karan Sharma had publicly said that "he would not allow the *samiti* platform to be used by L.K. Advani or any other BJP leader". This created an awkward

situation both for the BJP and the RSS. It is important to note that in the initial phase the attitude of Leela Karan Sharma towards the BJP leaders was altogether different. For example, he did allow Rajnath Singh and Arun Jaitley to share its platform and interact with the members of the *samiti* on July 4 (*Kashmir Times*, July 5, 2008).

A report from Delhi filed by Faraz Ahmad (*The Tribune,* August 22, 2008) clearly said that "a turf war seems to have broken between the BJP and the VHP over appropriating the 50-day old Jammu agitation on the Amarnath Shrine land allotment issue". The report further said, and rightly so, that the "BJP which had announced with great fanfare here (Delhi) on Monday its intent to have its two senior most leaders L.K. Advani and Rajnath Singh address a rally (in Jammu) supporting the Jammu agitation, quietly withdrew the announcement in the next day pleading that there was some problem about scheduling the programme". The report went on to say that "...VHP general secretary Praveen Togadiya implicitly contradicted the claim of the BJP by admitting that it was actually the VHP which had the real control of this agitation...Further pressed on scuttling Advani and Rajnath's plans to address the proposed rally, Togadiya said, 'We don't know anything. So far only others are talking. The SAYSS has not named any leader. Till yesterday no decision had been taken by the *samiti* in Jammu".

Anyway, the controversy ended only when Leela Karan Sharma wrote a letter to the BJP high command wherein he regretted his action and said that "he never meant so" and that it was the media which created the whole controversy by twisting his statement. However, the episode did convey the message that the attempts were being made by different RSS formations to control the Jammu agitation and that there were certain problems which needed to be surmounted to send across a right signal.

However, money was no problem for the SAYSS. People and organizations of all hues came forward in large numbers to donate money for the cause. It opened its account in the Punjab National Bank. According to the *samiti's* spokesperson, Narinder Singh, "the *samiti* received a total amount of Rs. 1, 57, 33,596 as donations out of which payments of Rs. 1, 23, 30,356 have been made and the rest is balance

with the *samiti*. Rs. 52, 000, 00 have been paid as exgratia to the martyrs' families, while Rs. 13,82,000 were paid to the injured persons. Rs. 28,45,000 have been paid as compensation for the damaged properties, Rs. 7,90,000 spent on publications and Rs. 48,408 on advertisements" (*Daily Excelsior*, April 2, 2009). Narinder Singh revealed these details during a press conference, organized on April 1, 2009, in the wake of serious allegations that Leela Karan Sharma had "misappropriated huge sum" and that the SAYSS had "cheated the innocent people of Jammu, who donated several crores of rupees" for the Amarnath cause.

Three phases of movement

As mentioned earlier, the SAYSS formally launched its agitation on July 1. Three phases can be easily distinguished in what may be termed as a spectacular movement India ever witnessed in any of its parts either during the freedom struggle days or in the post-1947 period – first phase from July 1 to 7, second phase from July 8 to 22 and third phase July 23 to August 31.

First phase

The land-restoration agitation started with a bang on July 1. The people of Jammu province, who observed a complete bandh on June 30 on the call of the BJP, continued to observe a complete hartal for the next seven days i.e., July 1 to 7, on the call of the SAYSS. Initially, the *samiti* had given a call for a 72-hour-long shutdown, but it extended the strike period twice because of the people's pressure. The pressure from below was such that the SAYSS had been left with no other option but to bow to the will of the people, who, during this period of upsurge, had indicated their resolve to suffer and make every sacrifice for the cause. The most affected districts were Jammu, Kathua, Samba, Udhampur, Reasi, Kishtwar, Ramban (all Hindu-dominated) and Rajouri. The people of Samba and several other towns also observed hartal. The Vijaypur tehsil of Samba district was the worst affected. People of almost all the villages of Vijaypur tehsil, including Ramgarh, Wadali, Radian, Rada, Gho Brahmana and Nandpur, were in the forefront posing a potential challenge to the law and order authorities (*Dainik Jagran*, July 6, 2008).

It is important to note that the June 30 bandh was a great success. That day, the people not only observed a complete shutdown, but also organized protest demonstrations in almost all the major towns of Jammu province, including Udhampur, Kathua, Kishtwar, Kud, Reasi, Vijaypur, Katra, R.S. Pura, Bari Brahamana, Akhnoor, Samba, Jandrah, Sudhmahadev, Latti, Chenani, Rajouri, Nowshera, Sunderbani and Kalakot, upsetting all government calculations and stereotypes. There was partial bandh only in the Muslim-majority areas of the region, where the Amarnath land issue was not an attraction for the Muslims.

In Jammu city, more than 40 activists of the various non-NC, non-PDP and non-Congress political parties suffered injuries during clashes with police and at least 150 others courted their arrest. Hundreds of protesters gathered at places of the city and attacked the regional offices of the PDP, the NC and the Congress — all located in high security zones such as the Residency Road. Besides, pelting stones and smashing window panes of these offices, they attacked the residences of Health Minister Mangat Ram Sharma and PDP MLA, Shanti Devi (*Dainik Jagran* ; *Indian Express*, July 1, 2008).

The scene at other places was no different. There were police-crowd clashes in other towns leading to injuries to 42 people (18 in Kud and 24 in Udhampur). In Kathua, the police arrested nearly 55 activists of the RSS family. According to one report, the police arrested 135 under various charges (*Daily Excelsior*, July 1, 2008). That day, the national highway remained blocked at six places in Kathua, Samba, Jammu and Udhampur districts for hours together. One of the methods the protestors would adopt to block the national highway was burning of tyres on a massive scale. In Udhampur, more than 60 protestors also courted arrest and in Kathua, the police took around 104 persons into "preventive custody" after the authorities came to know that the "agitating people may attempt to move to Lakhanpur to cause massive damage to the vehicles" (*Ibid*). It needs to be noted that some protestors did pelt stones on two Srinagar-bound trucks" at Lakhanpur (*Indian Express*, July 1, 2008),

In short, the life remained crippled on June 30 as all the business establishments and educational institutions remained closed and the

government offices reported a very thin attendance across Jammu province, barring a few Muslim-dominated towns in the Doda, Kishtwar, Poonch and Rajouri districts (*Kashmir Times*, July 1, 2008). Everywhere the protestors demanded dismissal of the Governor and the Congress-led government and withdrawal of the letter the Governor had written to the Chief Minister. This was a clear signal that the people of Jammu would take rest only after the land issue was resolved to their satisfaction and the Kashmir-based separatist and mainstream leaders reined in.

The decision of the SAYSS to extend the shutdown call twice within the span of seven days needs to be viewed in the context of the people's firm stand on the issue. As was expected, violence erupted in several areas of Jammu on July 1. The frightened civil administration imposed curfew on the same day across Jammu city to crush the agitation. But the curfew and the police marches on the roads and the streets of the city did not have any impact on the agitating people. Instead of refraining from violating curfew, the people, especially the youth, repeatedly violated it leading to the police-crowd clashes at several places. The worst affected areas were Muthi (a displaced Kashmiri Hindus-dominated locality) and Rehari. The news about violent clashes between the protestors and police, which left over 100 people, including 25 policemen, wounded as well as the news about the arrest of 350 activists of the SAYSS infuriated the already angry people of Jammu. The situation took a serious turn when the police opened fire on the peaceful and unarmed demonstrators in the Muthi area. The unprovoked police firing caused fatal bullet injuries to three persons. The protestors, in turn, caught hold of two policemen and avenged the injuries to the fellow protestors by severely beating them. The agitated mob also assaulted the City Superintendent of Police, Sanjay Kotwal, and damaged nearly 20 police vehicles. Besides, the irked mob assaulted one SPO, took another policeman as hostage and threw the weapons of both into a canal. Unable to control the infuriated mob and bring the situation under control, all the policemen fled away from the trouble-spot (*Amar Ujala*, July 2, 2008).

At another place, Rehari, more than 4000 activists of the various political parties, along with the people of the area, pelted stones and

damaged several police vehicles. During the pitched battle between the protestors and the policemen, 20 persons received injuries. Before this, the police fired hundreds of teargas shells and took recourse to "intense" cane charging in order to disperse the protestors (*Daily Excelsior*, July 2, 2008).

R.S. Pura. Udhampur, Nagrota, Panthal, Manwal, Ghari, Kathua, Reasi, Katra, Poonch, Bari Brahamana, Akhnoor, Vijaypur, Miran Sahib, Samba, Billawar, Bani, Hira Nagar and Arnia too joined Jammu in organizing anti-government and anti-separatist protests. The main highlights were complete shutdown; attacks on and demonstration outside the residences of Congress minister Mangat Ram Sharma and MLA Raman Bhalla and PDP MLA Shanti Devi; innumerable ding-dong battles between police and the protestors; heavy police firing in Miran Sahib; attack on police stations in Gharota and Jatwal and attempt at burning down them; injuries to 120 people; 100 arrests; imposition of section 144 in R.S. Pura and Akhnoor; blockade of national highway at several places; attack on the Himachal Pradesh Road Transport bus at Maggar Khad (Kathua); massive protests by small and marginal farmers in Jaurian, Palanwala and Khour; and removal and destruction of the Chief Minister's hoardings, the party boards of the PDP and the NC flags (*Dainik Jagran* ; *Amar Ujala*; *Indian Express*, July 2, 2008).

The situation in Jammu and other towns and villages of the region remained extremely tense even after July 2. In fact, the situation became rather tense leading to the imposition of curfew in several other towns of Jammu province, including Samba (*Hindustan Times*, July 3, 2008). Between July 1 and July 7, the people of Jammu city organized innumerable massive protest demonstrations at different places, including the Kashmiri-Hindu-dominated Purkhoo area, Channi Himmat, Gangyal, Talab Tillo, Janipur, Gandhi Nagar, Roop Nagar, Muthi, Shakti Nagar, Raipur Mangotrian, Bakshi Nagar, Top Sher Khania, Sainik Colony, Rehari, Purani Mandi, Chatha, Bhor Camp, Satwari, in fact, in all the localities, posh or otherwise, defying curfew restrictions. The Rapid Action Force, which had been deployed in strength in the city following the failure of the local police to tackle the situation, had no impact whatever. Such was the nature of the up-

surge in Jammu. The police-crowd clashes became the order of the day leading to injuries both to the protestors and the policemen and arrests on large scale (*Dainik Jagran*, July 5, 2008). Students of the University of Jammu and boarders, too, came on the roads in large numbers to protest against the government decision to take back from the Shrine Board the Baltal land (*Ibid*). They, like others, would bemoan, saying 'it is surprising that for the MLAs and MLCs of the Congress from Jammu region, the sentiments of the people have no value".

The Bantalab area of Jammu city witnessed pitched battles between the police and thousands of protestors on July 5. They blocked the Jammu-Amb Gharota road for several hours by erecting barricades and burning the tyres at Ban Talab crossing. Ignoring the deployment of heavy police force in the area, the protestors from *A*ghor, Amb Gharota, Kot Bhalwal, Raipur, Ban Talab, Barnai, Muthi area and Chinore, after burning the effigies of several Kashmir leaders and "Jammu and Kashmir police" at Ban Talab crossing, marched towards the Jammu city in the form of a big procession. This led to a major clash between them and the police. The situation could be brought under control only after the cops dispersed the protestors using tear smoke shells (*Kashmir Times*, July 6, 2008). The clashes between the police and the protesting people in Jammu city culminated into injuries to several people, including policemen, and arrests of scores of demonstrators.

Things assumed alarming proportion in Jammu city and elsewhere on July 6, when a young boy was killed after he fell down from roof top of a house while being chased by the police personnel following a "massive protest demonstration" in the Pir Mitha area. A large number of people had defied curfew in this area of Jammu city and blocked the road by burning tyres. This had led to a clash between them and the police. The police used brutal force to disperse the agitating people. While being chased by the police personnel, Ramesh Chander of Jatkatia Mohalla in Pir Mitha locality reached the roof top of a house and then jumped to the roof top of an adjoining house to escape the wrath of the cops. He received serious injuries. He was immediately rushed to the Government Medical College, where he died in the midnight (*Dainik Jagran*, July 7, 2008). The situation took a serious turn in Jammu the same day following the death of Manjeet Singh of

Bhaderwah in the Government Medical College, Jammu. Manjeet Singh was one of the 21 persons who were injured in a grenade attack on the protestors in the heart of Bhaderwah town on July 2. The death of Ramesh Kumar and Manjeet Singh simply served to provoke more violence across Jammu leading to clashes between the people and the law and order enforcing agencies.

The situation, particularly at the Jammu Medical College turned extremely tense. There were reasons for that. The post-mortem of the Manjeet Singh's body was conducted during the night, which was illegal. Besides, the police, in connivance with the district administration, dispatched the body of Manjeet Singh to his native village, Sugwari, in the wee hours without informing the family members of the deceased, including his father, mother, sister and mother-in-law. The family members of the deceased had been told by the authorities that the body of Manjeet Singh would be handed over to them "at 8 am" on July 7 as "they could not conduct the post-mortem during the night" (*Kashmir Times*, July 8, 2008). The family members of Manjeet Singh were so annoyed that they staged a protest sit-in at Karara in Doda district by "putting the dead body in the middle of the road".

The same day, the SAYSS, which was buoyed by the people's overwhelming response to the ongoing agitation, extended the bandh for another two days. At the same time, the convener of the *samiti*, Leela Karan Sharma, said that in case the government would lose vote of confidence in the Assembly on July 7, the SAYSS would devise the future strategy accordingly on July 8. He urged all the MLAs from Jammu region to vote against the confidence motion failing which the people of Jammu will socially boycott them. He also disclosed that he had written a letter to them to that effect. The letter asked the public representatives from Jammu province that "if they are interested in safeguarding the aspirations and interests of the people of Jammu, they should resign forthwith from the Assembly and Parliament and join the movement launched by the people" (*Ibid*., July 7, 2008).

Anyway, the most significant aspect of the whole situation in Jammu city was a relentless SMS campaign unleashed by people to educate public opinion about the land issue and exhibit their anger against the "Congress ministers' love for Kashmir and indifference towards the Jammu region". Several messages coined by SMS send-

ers spoke of anger to the extent that the names of the Jammu-based Congress leaders were either pre-fixed or suffixed with Muslim names. The SMSs asked the general public "not to allow them to move freely in Jammu or talk about Jammu interests". So much so, these messages poured venom on those who "supported the land revocation order" and urged the "nationalist forces to boycott socially the politicians who are or who work with anti-Jammu intents". While some of the messages termed the Congress leaders as "*thekedars* (contractors) of Jammu", others denounced the Jammu-based NC and PDP leaders for their "hollow sympathy and concern for Jammu". The SMS senders, in addition, asked the general public to "boycott all business and economic transactions with Kashmiris" and not allow any tourist to go to Kashmir "till over 5 lakh Hindus return to their homeland" and asserted "Muslim communalism cannot be condoned" (*Indian Express*, July 5, 2008).

Like the people Jammu, the people of Kathua, in particular, were also in a threatening mode. Thousands of protestors brandishing canes and sticks and chanting Bam Bam Bholey marched towards Lakhanpur on private vehicles. They broke the barricade installed by the police at Maggar Khad Bridge and reached Lakhanpur. There they not only attacked and completely damaged the Toll Plaza, but also totally damaged the excise office and commercial sales tax office. The clashes between them and the police at Lakhanpur resulted into injuries to at least 20 people, some of them fatal. Before that they had damaged the District Police Headquarters, the police post, Hatli Morh, and the Kathua police station. The protestors did not spare even the heavily-guarded office of Deputy Commissioner, Kathua. They entered his office, ransacked it and damaged several government vehicles. The developments in Kathua led the unnerved civil administration to impose section 144 and ask the army to hold a "peace march between Kali Bari and Hatli Morh", the two entry points of Kathua town, (*Ibid*., July 4, 2008).

When section 144 failed to keep the people confined to their houses, the administration clamped curfew, which, too, failed to deter them. Though the army jawans and CRPF personnel were patrolling every lane and by-lane of Kathua, yet thousands of protestors gathered at Mukherjee Chowk to express their anger. Such was the situa-

tion that the army, the CRPF and the local police watched the activities of the protestors as mute spectators, including the targeting of the posters and cut outs of the local leaders like MP Lal Singh, Congress minister, Babu Singh, and attack on and demonstrations in front of their residences. Other tehsils of Kathua – Hira Nagar, Billawar, Bani and Basohli – exhibited their anger through various actions. At Hira Nagar, the protestors attacked the house of Congress MLA, Girdhari Lal (*Ibid.*, July 5-6, 2008). One of the demands of all the protestors, including hundreds of Bam Bam Bholey chanting women protestors, was that all the Congress legislators and Member of Parliament must oppose Ghulam Nabi Azad and his government and join the land-restoration movement (*Daily Excelsior*, July 6, 2008). The situation in Billawar tehsil too turned volatile in no time. The people of the area blocked the national highway (Dhar road) at several places, thus disrupting traffic movement. The situation was brought under control only after section 144 was imposed.

The situation in other places was no different. It was as volatile as it was in Jammu and Kathua leading to the imposition of section 144 and curfew in several towns and villages. None of the actions of the civil administration deterred the protestors across Jammu province. The protestors organized massive protest rallies everywhere, burnt tyres at several places to disrupt the traffic movement and register their anger against the authorities. Bishnah tehsil in Jammu district witnessed scores of protest rallies in the area in which the women participation was on an unprecedented scale. One of the major and largely-participated rallies was organized by a local JSM MLA, Ashwini Sharma. Everywhere the protestors burnt the effigies of Education Minister Gulchain Singh Charak, Health Minister Mangat Ram Sharma, MLA Raman Bhalla and Governor N. N. Vohra and demanded their resignation, saying they had outraged their religious sentiments in order to "appease the radical Islamists". They broke all the name plates of Gulchain Singh Charak and destroyed the various foundation stones laid by him. Miran Sahib in R.S. Pura and Jaurian and Akhnoor in Akhnoor tehsil witnessed similar demonstrations against the authorities. Thousands of women held protest demonstration in Miran Sahib against the revocation of the SASB land transfer order in front of the Rapid Action Force personnel and after violating section 144 (*Dainik*

Jagran, July 6, 2008). The clash between the police and demonstrators left five persons, including two policemen, injured (*Amar Ujala*, July 6, 2008). At Bari Brahamana, the BJP activists, led by the party vice-president, Chander Prakash Ganga, attempted to seize a train, which led to his arrest (*Daily Excelsior*, July 4, 2008). Violating curfew restrictions, hundreds of people courted arrest at Bari Brahamana. BJP national executive member, Nirmal Singh, too, was arrested, along with several others, for violating the curfew in the outskirts of Jammu. In fact, between March 3 and 5, the police arrested hundreds of protestors in order to bring the law and order situation under control (*Indian Express*, July 5, 2008).

As for the Governor, he did nothing to douse the fire. He only asked the people to maintain peace. The attitude of the Union Government was identical. It simply watched the course of events in the state, which had polarized the state politics along regional, religious and ideological lines, as a mute spectator.

Similarly, the State Government did nothing to conciliate the people of Jammu. Instead, Mangat Ram Sharma, Gulchain Singh Charak, Jugal Kishore Sharma, Mula Ram, Babu Singh and Gharu Ram (all Jammu-based Congress ministers) defended the government decision to the hilt. They said that the government did not revoke the order of forest land transfer under any pressure from separatists or the people's agitation in Kashmir, but we did so because the Shrine Board requested us to do so" and appealed to the people not to walk into the trap of "communal and anti-peace elements". They were obviously referring to the SAYSS leadership. Besides, the Jammu-based Congress ministers and legislators convened an all-party meet in Jammu on July 3, where a "joint resolution" was adopted asking the people of Jammu to "spread the message of upholding age-old Duggar heritage of communal harmony and amity". At the same time, it was made clear during the meeting, which was not attended by the SAYSS and the BJP, that "the administration has been directed to deal firmly with everyone who is seen violating law or indulging in any act of spreading hatred or communal disharmony" (*Kashmir Times*, July 3-4, 2008). Congress MP Lal Singh even went to the extent of equating the BJP with the PDP and accused both of them of creating "unrest across

Jammu". He said both these parties were "exploiting public sentiment for the sake of grabbing power and getting more seats". "The Congress did not commit any mistake" and "we fully support the decision taken by the Chief Minister". This was the Congress line (*Indian Express*, July 4-5, 2008).

The statements made by the Congress leaders, who had not taken a similar stand, when Kashmir was in ferment, with the separatists and mainstream leaders pouring venom on India, the Shrine Board and on the Governor, simply added more fuel to the fire. However, it was the July 3 Jammu statement of Ghulam Nabi Azad which angered the people of Jammu all the more. Defending the government decision, Ghulam Nabi Azad told media persons: "It is all win-win situation for Jammu. He wanted it (decision) to be celebrated by the people of Jammu by distributing 'ladoos' and sweets; he stands by his statement that 99 per cent people in Jammu are 'devtas' (gods) and only one per cent of them creating trouble for 'vote-bank politics'; the State Government is thousand times better placed than the SASB and has more capacity and capability than the Board to run the pilgrimage; the government writ cannot be challenged; whether it is a Hindu or a Muslim Board, they can't be above the government; they raised just two tents and call it infrastructure; the government is capable of raising infrastructure 10,000 times bigger than the Board. (D*aily Excelsior* ; *Kashmir Times*, July 4, 2008). Earlier on June 28, the Government of Ghulam Nabi Azad had removed Arun Kumar from the post of the Chief Executive Officer and replaced him by B. B. Vyas (*Dainik Jagran*, June 29, 2008).

Whatever Ghulam Nabi Azad said was taken by the people of Jammu as a deliberate affront to their self respect, as a taunt and as an attempt aimed at officializing the Amarnath Yatra and rendering the Shrine Board defunct. The convener of the SAYSS, Leela Karan Sharma, and others in Jammu ridiculed Ghulam Nabi Azad, saying that it was a fact that the people of Jammu were "angels and not "miscreants" and that the "only one per cent people who are miscreants belong to the Congress party" (*Ibid*).

It can be authoritatively said that the statements of the Chief Minister and his colleagues in the party had also served to provoke the

people of Jammu to adopt a radical approach to the issue. These statements made them believe that they had no place in the official scheme of things and that the authorities were only concerned with the "aspirations and urges" of the Kashmiri leaders. The most significant feature of the upsurge everywhere in Jammu was not just the very effective participation of the people of the urban areas but the extremely enthusiastic and committed participation of the rural population, including women and children. Everyone countered the policy of senseless repression courageously and with a sense of pride. Slogans "Bam Bam Bhole", "give back Amarnath land", "down with the Congress government", "dismiss vohra", "arrest Mufti Mohammad Sayeed", "arrest Muzzaffar Hussain Beig" and "arrest Syed Ali Shah Geelani" rented the air. The agitation between July 1 and 7 was a massive affair in every respect. Everything came to a grinding halt across Jammu region, thus rendering the clueless and unnerved authorities ineffective for all practical purposes.

Radical stirrings were visible everywhere, in cities, in towns, and even in small villages. The people's participation was voluntary and their expression well organized. The authorities had never imagined that in such a short span of time the whole of Jammu province would be in ferment and turmoil and become too hot for them; that there would be widespread hartals, massive demonstrations, violation of curfew and section 144; and that the army, the Rapid Action Force, the CRPF and the local police would be in a state of shock. The developments in Jammu province between July 1 and 7, undoubtedly, proved those wrong who had told the Chief Minister and the Governor that the land revocation order would not lead to any serious law and problem in Jammu.

The role of the SAYSS was limited, notwithstanding the fact that its influence spread very fast across the region in no time. Its role was limited in the sense that it only issued statements and announced programmes from time to time. The agitation in Jammu by now had reached its zenith on its own.

Fall of government

In the meantime, the party politics between the Congress and the PDP had created serious problems for the former. As mentioned ear-

lier, the relations between the Congress and the PDP in general and between Ghulam Nabi Azad and Mufti Mohammad Sayeed in particular were strained. The rag-tag ruling coalition, uneasy more than five years of its existence, was fast drifting towards the rocks, towards a head on collusion. The Mufti, in particular, was in search of an issue which could enable his party to walk out of the government and then consolidate and expand his constituency in Kashmir. He saw in the land controversy that opportunity and decided to sever his ties with the Congress and the Congress-led government.

The coalition between tne Congress and the PDP was undoubtedly an unnatural wedlock. Right from day one, both the parties consistently complained and conspired against each other, though the Congress's actions were not that provocative. Being a national party, it had its own compulsions and limitations, apart from it being primarily a Jammu-based party. The coalition between the Congress and the PDP was not just an unnatural wedlock, but it was also a coalition of expediency or convenience. The PDP, which enjoyed very friendly relations with Sonia Gandhi and Prime Minister Manmohan Singh, at times felt let down by them. For, they would quite often ignore the PDP's concerns to keep the Congress leadership in the state in good humour. There are instances to show that the Cabinet Ministers of both these parties clashed with each other during the Cabinet meetings. As a matter of fact, the Cabinet meetings of the coalition government during the Mufti regime were no more than a "boxing ring" where the Congress and the PDP Cabinet Ministers would frequently clash. Similar was the case of the Congress-led coalition government. Indeed, the story of Cabinet meetings during the Azad regime, like the Mufti regime, was a story of mistrust, acrimony and discord.

That the perceptions of both these parties were different and contradictory could be seen from the bitter opposition of the Congress to the PDP's proposals on demilitarization and women status. The PDP wanted demilitarization of the state. But Chief Minister Ghulam Nabi Azad opposed it, saying that the political leaders in the Valley were surviving only because they live under the foolproof security provided by the army and paramilitary forces and that to withdraw the army would mean facilitate the task of subversives. The PDP wanted to pass "Permanent (Resident) Disqualification Bill" in August 2004 in order

to prevent the daughters of the state from marrying non-state subjects, but the Congress high command, at the behest of the Jammu-based Congress leaders, rejected the move outright fearing a backlash in Jammu, where parties like the BJP had been opposing the Bill on the ground that it would perpetuate gender bias. Had the Mufti government succeeded in getting this Bill passed, the daughters of the state marrying outside the state would have been deprived of their fundamental right to own immovable property and obtain government job in the state. Ironically, the Permanent (Resident) Disqualification Bill had been moved in the Assembly by Deputy Chief Minister and Congress leader, Mangat Ram Sharma.

Again, that the relations between the two parties were very strained could be seen from the threat of withdrawal from the government, administered by the PDP in March 2007. The reason was the rejection of the idea of demilitarization. Had the Union Government not intervened then, the government would have collapsed in 2007 itself. Likewise, both the parties not only contested the 2004 general elections against each other, but also fought "clandestinely" against each other during the by-elections to the four Assembly seats. During 2002-June 2008, the situation had climaxed to the extent that the bureaucracy in the state appeared vertically divided along the party lines.

As mentioned earlier, the PDP withdrew its support to the government on June 28, instead of June 30. Although the speculation about the possible pull-out was hovering over the political horizon for the last more than a week, the final decision came after the meeting of Legislature Party of the PDP, chaired by Mehbooba Mufti, who had just returned from London. A three-member team led by Chief Whip of the party, Abdul Aziz Zargar, called on Governor N. N. Vohra at Raj Bhawan in the evening. Those who accompanied him included Dilawar Mir and Tariq Hameed Qarra, both Cabinet Ministers in the Azad-led ministry. Abdul Aziz Zargar submitted to the Governor a written representation informing him about the withdrawal of the party support to the government.

However, it was Mehbooba Mufti who announced the decision, saying that "we cannot remain insensitive to the crisis" and that her party had sent the letters of resignation to Chief Minister Ghulam Nabi Azad. Nine Cabinet Ministers belonged to the PDP. She asserted that

the decision was taken by her party on "moral grounds". "We felt that it was our moral obligation to dissociate from government", she declared in Srinagar. The decision of the PDP to withdraw support to the government upset the Union Government. The Union Home Minister, Shivraj Patil, and the NSA, M. K. Narayanan, urged Mufti Mohammad Sayeed not to take any decision in haste as the government was contemplating a way-out, but they failed. The PDP patron rejected the suggestion outright (*Kashmir Times*, June 29, 2008). On the other hand, his daughter said that "her party cannot be a party to any injustice or irregularity". She told The Kashmir Times the same day: "We have invested much in bringing normalcy in Jammu and Kashmir and how could we afford to tolerate such a crisis. For us, every second counts and ironically the Chief Minister seems inert on such a grave issue, which is consuming precious lives on daily basis. For the PDP there is no other alternative but to pull-out".

Earlier in the morning, Chief Minister Ghulam Nabi Azad had held separate round of talks with Deputy Chief Minister Muzzaffar Hussain Beig, Finance Minister Tariq Hameed Qarra and Public Health Engineering Minister Dilawar Mir to break the deadlock, but failed. The PDP ministers told him that the party had taken the decision in view of the tense situation in the Valley and it would be a futile exercise to hold any kind of party talks to sort out the differences (*Greater Kashmir* ; *Rising Kashmir*, June 29, 2008). Ghulam Nabi Azad, along with JKPCC president and Union Water Resources Minister, Saif-ud-Soz, who had reached Srinagar in the afternoon as a "special emissary" of the Prime Minister, also met the Governor for the second time in the evening and discussed the situation arising out of the new development.

It was expected that the PDP, which then had 19 MLAs, would reconsider its decision in view of the Governor's decision to hand over the Baltal land to the State Government. But it did not happen. What happened was to the contrary. The PDP stuck to its stand, thus indicating its intent to use the land issue for promoting its electoral interests and spreading its essentially regressive and intolerant ideology. Under the circumstances, Ghulam Nabi Azad had no other option but to forward the resignation letters to the Governor, who accepted the same in no time (*Kashmir Times*, June 30). It was also expected that

the Governor would invoke section 92 of the Constitution of Jammu and Kashmir and bring the state under his rule. (Jammu and Kashmir is the only state in the country which can be kept under the Governor Rule for a maximum period of 6 months.) This, too, did not happen despite the fact that the Azad government had been reduced to minority and the NC, which had 24 MLAs, had overruled the possibility of its support to the government. Later on, NC president Omar Abdullah told *The Hindustan Times* (July 3) that "our members will not abstain. Abstaining means supporting the government. We will not do that. We will vote against the government".

It may be mentioned that the Congress strength in the House was 22 in the 89-member House and that it also enjoyed the support of 16 others, including independents and 3 LUTF MLAs. Even if the remaining MLAs, minus four belonging to the JKNPP who had already demanded imposition of Governor Rule in the state, supported the government, Ghulam Nabi Azad would not have been able to withstand the floor test. (The JKNPP chief, Bhim Singh, had said that "all of his four party MLAs would 'oppose, expose and depose' Azad Government".) It is, however, a different story that Ghulam Nabi Azad told his colleagues and All India Radio that there was "no threat to my government" and that they should "continue to work and attend their offices" (*Daily Excelsior*, June 29, 2008). As far as the Governor was concerned, he asked Ghulam Nabi Azad to prove majority on the floor of the House latest by July 7 (*Indian Express*, June 30, 2008). On July 1, the Governor asked the government to hold a "special" one-day Assembly session at 10 am for the floor test. The Governor's decision to allow the minority government to function evoked strong reaction in Jammu (*Daily Excelsior*, June 30, 2008).

The period between June 29 and July 7 saw the Congress party stalwarts indulging in hectic lobbying and consultations. Their intention was to save the Congress government by ensuring support from every single individual in different parties. There were reports that Ghulam Nabi Azad and his colleagues might indulge in "horse-trading" to save the government. In fact, the PDP accused Ghulam Nabi Azad of "setting a stage for the slaughter of democratic and constitutional institutions in the state on July 7" and that "the Chief Minister and his cohorts are allegedly utilizing all undemocratic means, overt

and covert, to manage numbers and there are reports that besides various lucrative offers, even money-bags are being presented to legislators to shift their loyalties" (*Kashmir Times*, July 3, 2008). The NC, which throughout maintained friendly relations with Ghulam Nabi Azad, did not level any such charge. Its top–ranking leaders, including Farooq Abdullah and Omar Abdullah, however, made it quite clear that they would not save the Azad government. They believed that their party's support "at this juncture", even if it was from outside, "would have been a political suicide for the party." (*Indian Express*, July 8, 2008).

A report in *The Kashmir Times* of July 5 reflected on the causes responsible for the opposition of the PDP and the NC to the Azad government. It was filed from New Delhi by Iftikar Gilani, a close relative of Syed Ali Shah Geelani. The report, among other things, said: "Both think fall of the Azad government would be another psychological victory for the Kashmir-centric parties, while the Congress that has much support from Jammu region may suffer from the BJP's campaign against cancellation of the land allotted to the Shri Amarnath Shrine Board". Ifitikar Gilani, it seems, only hit the nail on the head.

In the meantime, Ghulam Nabi Azad had talked to Union Information and Broadcasting Minister Priya Ranjan Dasmunshi, who was very close to Bhim Singh of the JKNPP. According to Ghulam Nabi Azad, Bhim Singh did tell Dasmunshi that he would extend his party's support to the government, but avoided a meeting with Ghulam Nabi Azad. At the same time, however, Bhim Singh told him that he would reveal the party's decision to him only on July 7, the day the special session of the Assembly was to be held and in the morning the JKNPP chief candidly told Ghulam Nabi Azad that his party had decided to vote against his government, thus upsetting all his calculations. Had the JKNPP extended its support to the government, Ghulam Nabi Azad would have won the show. But it was not to be.

It was under this situation that special session of the Assembly commenced at the stipulated time. Ghulam Nabi Azad spoke for more than two hours. He concluded the same with the remarks that "I don't wish to put my friends in trouble whose heart is somewhere else and their party whip is somewhere else. I am satisfied with my work. I don't care whether the government survives or falls...I have shown

the way. I kept religion away from politics. Some brokers of such politics are active both in Jammu and Srinagar. We saw (them) first on the streets of Srinagar and now in Jammu" (*Ibid.*, July 8, 2008). Immediately after his address to the Assembly, he requested the Speaker of the Assembly, Tara Chand, to withdraw the confidence motion, which he had moved at the beginning of his speech. Tara Chand accepted the suggestion and the government of Ghulam Nabi Azad collapsed. In other words, Ghulam Nabi Azad resigned as Chief Minister before the Assembly could vote on the motion of confidence.

The state came under the Governor Rule on July 10. Before that the Union Cabinet met under Manmohan Singh, who had just returned to Delhi after attending the G8 Summit in Tokyo. The Union Cabinet was of the view that "Governor's Rule has become imperative in J-K after the collapse of coalition government" (*Ibid.*, July 11, 2008). This was for the fifth time that the state was brought under the direct rule of the Governor. Earlier, the state had come under the direct rule of the Governor/the President of India in March 1977, March 1986, January 1990 and on October 18, 2002.

Commenting on the fall of Ghulam Nabi Azad, Bhim Singh said "he had to go". Mehbooba Mufti said: "Azad had lost moral right to rule". Omar Abdullah opined that "The government has created a mess by mishandling of the situation" (*Hindustan Times*, July 8, 2008). For the APHC (Mirwaiz), the fall of the government was a non-event. The Mirwaiz told the Friday congregation at the Jamia Masjid on July 10 that "neither the Governor's Rule nor the Assembly elections are going to affect the disputed nature of Kashmir issue and the urgency to resolve this issue" (Kashmir Times, July 12, 2008).

Second phase

The people in Jammu received the news about the collapse of the government with a sigh a relief but continued their protests unabated with the same zeal and enthusiasm, saying "our agitation has nothing to do with the fall of the Azad government, but our fight is to restore the 800 kanals of land to the SASB" (*Dainik Jagran*, July 8, 2008).

In Jammu city, the people came out in large numbers at different places bursting crackers, distributing sweets and dancing to the drumbeats to celebrate the downfall of Ghulam Nabi Azad. After defying

curfew, the protestors organized massive rallies in areas like Muthi, Sarwal, New Plot, Janipur, Bantalab, Bakshi Nagar, Purani Mandi, Satwari, Gangyal, Gandhi Nagar and Trikuta Nagar. Similar was the scene in Nagrota, R.S. Pura, Miran Sahib, Bishnah, Arnia, Pargwal, Bari Brahamana, Vijaypur, Samba, Hira Nagar, Kathua, Bani, Udhampur, Jaurian, Akhnoor and Udhampur (*Daily Excelsior*, July 8, 2008). In the Pir Mitha area of Jammu city, the protestors broke more than 30 electronic meters. This was the first sign that the agitators might resort to civil disobedience on a large scale. The people of Gangyal took out a funeral procession of the Ghulam Nabi Azad-led government. The people of this area and Bari Barahmana stopped the plying vehicles at several places and offered sweets to the drivers and others. The women-folk of the area celebrated the fall of the government by breaking innumerable pitchers indicating that they were performing the last rites of the dead government. The people of the border areas, including women in their thousands, did not lag behind. They came on the roads celebrating the exit of Ghulam Nabi Azad from the office and declaring "our agitation would continue till the time our land is not restored to the Shrine Board". At Miran Sahib, R. S. Pura and Jaurian, the jubilant people asked everyone to dance since the "Dogras have won" (*Amar Ujala*, July 8, 2008).

At Samba, the protestors organized a big rally. Several thousand people participated in it. It was a rally of its own kind in the sense that they took along 11 stray dogs. The protestors tied around their necks placards carrying the names of 11 politicians, including former ministers, namely Ghulam Nabi Azad, Muzzaffar Hussain Beig, Mufti Mohammad Sayeed, Mehbooba Mufti, Mula Ram, Manjit Singh, Babu Singh, Mangat Ram Sharma, Gulchain Singh Charak, Lal Singh and Raman Bhalla. They shouted slogans against each one of them, saying they were responsible for vitiating the Amarnath pilgrimage and outraging the Hindu sentiments. They, in addition, demanded dismissal of Governor N. N. Vohra. Their charge against him was that he had made common cause with the fundamentalist forces and subverted secularism to appease radical Islamists. (*Dainik Jagran*, July 8, 2008).

It is important to note that there was decline in the level of violence, notwithstanding the fact that massive protest rallies were organized by the people all over Jammu province. It was only in the Doda area that the people blocked the highway at several places for hours

and they did so because the administration had played foul with the family members of the deceased Manjeet Singh.

That the fall of the State Government would draw away the people's aspiration to some extent became evident when they, like in the past, indulged in celebrations. In fact, the history repeated itself again in Jammu and Kashmir on July 8. In 1953, Jammu had witnessed a similar situation and it happened when Prime Minister Jawaharlal Nehru not only got Sheikh Mohammad Abdullah removed from the office of *Wazir-e-Azam*, but also got him arrested on the charge of "sedition". The charge was that Sheikh Abdullah had been conspiring against India and that he, in collaboration with the United States, was working for the establishment of a "Switzerland-type independent Kashmir". The dismissal and arrest of Sheikh Abdullah had its impact on the *Ek Nishan*, *Ek Vidhan* and *Ek Pradhan* movement, with the leaders of the movement feeling more than satisfied and not doing anything to induce the people to continue their struggle against the Union Government and Sheikh Abdullah.

Despite decline in the number of violent protests and opening of business establishments in several areas of Jammu and elsewhere in the region, the civil administration did not think it prudent to lift completely curfew from Jammu, Kathua, Samba and Bhaderwah. The authorities had anticipated a violent backlash following the death of Ramesh Kumar and Manjeet Singh, whose bodies were consigned to the flames by the authorities in a hush-hush manner. (People opened their business establishments and the transporters resumed their normal activities in the afternoon (July 7) without the consent of the SAYSS, thus indicating some ineffectiveness of the *samiti*. There are reasons to believe that certain anti-movement elements and a section of the business community might have motivated sections of people to resume normal activities.) The curfew was lifted from all the trouble-spots only on July 9 after the SAYSS abruptly called off strike on July 8. Leela Karan Sharma described the fall of the Ghulam Nabi Azad-led government as a "victory for the Jammu people", saying "it was one of our demands". However, it is interesting to note that Leela Karan Sharma, while expressing happiness over the fall of the government, had also said that the strike will continue on July 9 as "48-hour extension will expire" that day (*Daily Excelsior*, July 8, 2008).

Calling off the 8-day-long bandh on July 8, Leela Karan Sharma also said that the SAYSS had taken this step "keeping in view the hardships being faced by the common people, compounded by the curfew imposed by the state administration". He told media persons that "bandh is not the only solution, for the agitation has acquired a bigger dimension. The fight now would take a vigorous course, if the pending two demands – dismissal of Governor and independence of the Shrine Board – are not met" (*Hindustan Times*, July 9, 2008). Besides, he announced that a "massive demonstration will be held in front of the Raj Bhawan tomorrow" (July 9), where "the government will be served a seven-day ultimatum for conceding other two demands, failing which the next phase of agitation will start" (*Daily Excelsior*, July 9, 2008).

However, it needs to be noted that there were certain *samiti* constituents which were not in favour of calling off the strike. The Shiv Sena Jammu and Kashmir was one such constituent. There were heated exchanges between the SAYSS leaders and representatives of the Shiv Sena. The Shiv Sena leaders were of the view that "until the agitation reaches a logical conclusion, lifting the bandh would amount to deceiving the sentiments of the people, who are ready to stand by the cause for any number of days". The SAYSS convener did try his best to convince the "agitating mob", but failed as the protesting Shiv Sena president and his supporters walked out of the meeting. Thereafter, Leela Karan Sharma and BJP president Ashok Khajuria "held a closed-door meet for half an hour". After the meeting, Leela Karan Sharma told media persons that the government was using its "touts" with a view to "subverting the agitation" (*Hindustan Times*, July 9, 2008). The meeting between the SAYSS convener and the BJP president was a proof that both these organizations were working in tandem, notwithstanding some differences here and there. The Bar Association Jammu (BAJ) members, who had played a very important role in mobilizing and educating public opinion, too, felt deeply hurt. The *samiti* also came under fire from the People's Revolutionary Movement (PRM) for calling off the strike. Later on July 13, Leela Karan Sharma did acknowledge that "there were suggestions regarding the extension of the bandh" (*Indian Express*, July 14, 2008)

Anyway, a lull set in from July 8. Between July 9 and 22, the SAYSS organized a number of programmes. On July 9, it organized a dharna outside Raj Bhawan, Jammu, but it turned out to be a low-key affair. Not more than 200 people participated in it. Most of them were heads of the various organizations (*Daily Excelsior*, July 10, 2008). The BAJ took out its own protest rally and reached Raj Bhawan, where the Bar president, Bhupinder Singh Slathia, virtually attacked the *samiti* and BJP leadership. The stance of the BAJ created an awkward situation for the SAYSS leadership and led the people to believe that there were serious differences between the two over the mode of agitation.

The failure of the *samiti* to make dharna a success made members of the smaller core group sit up on July 9. After some discussion, it came out with a new strategy designed to mobilize the people and make the government concede the two remaining demands. The new programme had four components—torch light protest rallies in the evening, beating of thalis/utensils at 9 pm and prabhat pheris (morning mass mobilization marches in the streets and bazars) and a "massive rally at Gangyal on July 13. This new mode of agitation was made public by Leela Karan Sharma, who also declared that all these programmes would be organized not only in every nook and corner of Jammu city but also at all the district and tehsil headquarters (*Kashmir Times*, July 11, 2008). This was a week-long programme and it was to conclude on July 15, the last day of the 7-day ultimatum to the Governor.

Even the new strategy did not click, notwithstanding that some people in Jammu city did take part in the *samiti*-organized programmes. There was no enthusiasm among the people. However, some people in the outskirts of Jammu city and the Shiv Sena and the BAJ organized a few demonstrations against the government. These had nothing to do with the *samiti*-sponsored programmes. The BAJ even threatened that it would file a case against the Governor saying he had violated the JKSASA (*Dainik Jagran*, July 14, 2008). The lack of enthusiasm among the people forced the SAYSS to cancel the threatened Gangyal "massive rally". At another place, Udhampur, some principals and teachers urged the *samiti* not to give bandh call and resolve the issue by sitting across the table saying the students were suffering because of the agitation over the land issue (*Kashmir Times*, July 14, 2008).

On July 12, the SAYSS appealed to the people of Jammu province to observe July 13 as "black day", sport black badges on their arms and hoist black flags on the rooftops of their houses and shops to show "unity against the Governor, who played in the hands of fundamentalists in Kashmir Valley to hurt the sentiments of Hindus across the country by giving up claim on the land transferred to the Shrine Board" (*Daily Excelsior*, July 13, 2008). (July 13 is observed in Kashmir as a martyrs' day every year. On that day in 1931, a few Kashmiri Muslims were killed during the police-crowd clashes. The Muslims of Kashmir had revolted against the Dogra ruler and their demand was separation of Kashmir from Jammu.) Besides, Leela Karan Sharma announced that the *samiti* would launch a 2-day signature campaign on July 14, to be followed by a complete Jammu bandh on July 16, and "warned the Transport Corporations of Himachal Pradesh, Punjab, Haryana and Delhi not to ply their vehicles in Jammu region on July 16 failing which the *samiti* will not be responsible for any untoward incident". "Those who want to reach Jammu or leave Jammu for adjoining states should postpone their journey for the national cause and to honour the sentiments of Hindu samaj", he said (*Ibid*).

The *samiti's* appeal to the people to observe July 13 as a black day failed to evoke much response. Only the hardcore members of the Hindu parties and a few lawyers and businessmen in Jammu city bore black badges. The call for hoisting black flags on the rooftops of houses and shops also had a very little impact. The prabhat pheris programme too was a very low-key affair. Similarly, the signature campaign launched on July 14 did not attract the attention of an overwhelming majority of the population. It met with some success at places like Rehari, Kachi Chowni (the BJP had its headquarters in this area), Purani Mandi, the University of Jammu, the G.G.M. Science College, Jammu, and evoked no response in other places of the city. It turned out to be a basically BJP show. Almost identical was the scene in other towns and villages of the region. It was expected that a large number of people would obey the *samiti* leadership and gather outside the Raj Bhawan on July 14 to lodge a strong protest against the Governor, who visited Jammu for the first time after assuming the constitutional office. But this did not happen, despite the fact that the Raj Bhawan was situated in the heart of the city. Only a handful of

people, mostly heads of the various constituents of the SAYSS, assembled their bearing black badges, carrying black flags and raising slogans "N.N. Vohra hai hai" and "go back Vohra" (*Daily Excelsior*, July 15). It again turned out to be a show of BJP and other RSS-created formations, with the general masses holding themselves aloof.

Things changed slightly in favour of the SAYSS the same day, when Governor N. N. Vohra, among other things, told the NDTV 24X7 correspondent Barkha Dutt: "No land was taken, neither any land returned. I want to make it clear no land has been returned, no land was in possession on the given day...I don't want to go into that whether the land was really required and so on and so forth. It is the state land, forest owned land, and the Board is allowed to utilize it for a period it requires and provide the facilities and that need to be provided to the yatris. I see no difficulty at all and I see no controversy...There have been problems in the past in Jammu & Kashmir. I am a little pained, little concerned, the people of Jammu are martial races, they have served the country for ages. It is distressing that doubts are created about the role of the Board and about the future of the yatra. All I can tell you is that we are willing to come forward and discuss these matters. I had given time to the delegation to come. Unfortunately, they chose not to come...I have nothing to say about raising the level of agitation. I have already said in a press communiqué, which was issued on the day the government decided this thing. I am planning to set up a consultative board of all faiths, of all religions, particularly the people of Jammu to advice us, what should be done in the years to come." (*Kashmir Times*, July 15, 2008). The statement of the Governor was provocative by any standard and it was bound to evoke an adverse response.

The people of Jammu took the Governor's interview as a taunt, as an onslaught on the Shrine Board and on the Hindu faith. Leela Karan Sharma took the Governor to task and ridiculed his statement (*Indian Express*, July 16, 2008) asking "does it mean that such violent protests in Kashmir and Jammu were without any basis?" Besides announcing that the people of Jammu would observe a complete and "peaceful" bandh on July 16, Leela Karan Sharma asked all the branches of the *samiti* to start an eight-day-long chain hunger strike across the Jammu region, particularly in front of the Divisional

Commissioner's office, Jammu, and in front of the offices of Deputy Commissioners. His call was coupled with an appeal to the people that peace should not be disturbed (*Ibid.*, July 16, 2008). His charge against the Governor was that he was striving to the hilt to "weaken the agitation" (*Daily Excelsior*, July 16, 2008). The charge appeared well-founded. By saying that the land was neither taken nor returned, Governor N.N. Vohra did rub salt on the wounds of the people and provided ammunition to the desperate SAYSS, which was looking for an opportunity to strike with the full backing of the people.

Convinced that the SAYSS had lost much ground owing to its July 8 decision to call off the strike and that the general masses by and large abstained from participating in its programmes started after July 8, Leela Karan Sharma made a fervent appeal to everyone in Jammu to make the July 16 Jammu bandh a success. His call evoked a tremendous response all over the region. Almost all the organizations, social and religious groups and student bodies extended their full support to the SAYSS.

Keeping in view the bandh call, which many feared, might prolong as happened in the past in Jammu on the land transfer issue, the people thronged various markets and were seen engaged in panic buying of several items, mainly essential commodities like grocery items, fruits and vegetables and bakery items, thus leading to a steep hike in prices of essential commodities, particularly vegetables. The beans, for instance, which till the other day were sold at the rate of Rs. 10 per kg, were sold by the vegetable sellers at the rates ranging between Rs 20 and Rs 30 per kg.

As was expected, Jammu province, from Lakhanpur to Ramban and from Lakhanpur to Rajouri, again witnessed violent police-crowd clashes at several places in the region. There was a complete shutdown. Life remained totally disturbed. In Jammu, thousands of protestors came on the roads and staged massive protest demonstrations against the Governor, burnt the effigies of politicians belonging to Jammu and smashed more than two dozens of private and public transport vehicles. There were violent clashes between the protestors and the police in several areas of Jammu, including Satwari, Bari Brahamana and Gangyal. Similar scenes were witnessed in other areas of Jammu city. The major storm centres were Raghunath Mandir,

Rehari, Muthi, Jewel Chowk, Parade and Canal Road. In the adjoining Nagrota city, the people organized a massive protest rally, blocked the national highway for hours and broke the window panes of the State Road Transport vehicles. In Jammu, as everywhere else including Bishnah, Vijaypur, Samba, Lakhanpur, Kathua, Udhampur, Reasi, Katra, Ramban, Kishtwar, Bhaderwah, Rajouri and Doda, the protestors rented the air with slogans "go back Vohra" and "restore land to Shrine Board" and with anti-Congress, anti-NC and anti-PDP slogans. (*Kashmir Times*, July 17, 2008).

Emboldened by the successful bandh across Jammu province, Leela Karan Sharma thanked the people for the remarkable unity they displayed on July 16 and expressed the hope that they would continue to support the *samiti* programmes in future as well (*Dainik Jagran*, July 17). Obviously, he was hinting at the week-long hunger strike, which was to commence on July 20. In fact, on July 19, he appealed to the people of Jammu to participate in the hunger strike in large numbers and declared that 1000 people, including the office-bearers of the *samiti*, will start the chain hunger strike on July 20 in front of the Brahmin Sabha, Parade, Jammu. He also said that the *samiti* would start similar hunger strike on the same day at 14 other places – Panjtirthi, Dalpatian Mohalla, Top Sher Khania, Talab Tillo, Shastri Nagar, Sanjay Nagar, Satwari, Gangyal, Sarswati Vihar, Muthi and Janipur, Jammu, and at the tehsil headquarters of Bishnah, R.S. Pura and Akhnoor (*Dainik Jagran* ; *Daily Excelsior*, July 20, 2008).

The programme of chain hunger strike was a flop show in most of the places. While no one turned up in any of the other venues in the Jammu city, the number of participants in the hunger strike at Brahmin Sabha was not even one hundred. The number was around 50 (*Daily Excelsior*, July 21, 2008). Significantly, all the *samiti* leaders, barring Brigadier Suchet Singh, did not join the hunger strike. But this was expected that the people of Jammu were unlikely to join the hunger strike as they were for a full-scale campaign against the authorities. The argument of the SAYSS that the reason behind the poor attendance at the Brahmin Sabha and elsewhere was "heavy rain" was rather unconvincing. It was simply an attempt of the uninspiring, ineffective and confused *samiti* leadership to hide its weakness. That it was so became more than evident during the next three days. The level

of participation declined with each passing day. The hapless smaller core group met several times to discuss ways and means aimed at inducing the people to join the hunger strike, but nothing came out of its efforts. The most significant aspect of the whole situation was the indifferent attitude of the activists of the Hindu parties. If the SAYSS failed to organize an impressive hunger strike programme in Jammu, the story of the strike in other towns of the province was no less uninspiring. Everywhere the participation of the common masses was negligible and everywhere the participation even of the activists of the RSS grouping was on a rather limited scale. The fact is that the hunger strike programme was a flop show and it was bound to be so considering the mood of the people, who were for a radical approach to the issue, if not for a revolution.

The leadership of the *samiti*, whose role during the period was basically confined to issuing press statements and organizing press conferences on daily basis, had by July 23 become virtually a laughing stock, thus making the authorities have a sound sleep in the night. The SAYSS leadership had not taken any step whatever during this period of lull and despondency to establish contacts with and motivate the general masses for any major agitation-related activity. It appeared as if the entire movement in Jammu had collapsed and it was bound to be so because the muddled SAYSS had no attractive wares to put on the market of agitation for sale. It can be said that the period between July 8 and 23 was a period when a sense of anti-climax dominated the Jammu scene, notwithstanding the massive Jammu bandh on July 16 and the threat of Leela Karan Sharma that "in case the government continues its stoic silence on the demands of the *samiti*, it will be forced to intensify the agitation whose future dimensions will be non-cooperation, indefinite strike and economic blockade". He made this statement on the third day of the chain hunger strike (*Daily Excelsior*, July 23, 2008).

Third phase

The situation changed completely in Jammu on July 23, when the land-restoration movement in no time penetrated across the Jammu region, including the rural areas, on an unprecedented scale. And, what happened in Jammu between July 23 and August 31 could be described as a mass upsurge not witnessed in India even during the Non-Coop-

eration Movement (1920-1922), the Civil Disobedience Movement (1930-1931, 1932-1934) and the Quit India Movement (1942). Though all these movements were all-India movements, yet many areas of the British Indian provinces remained totally unaffected. On the other hand, as for the movement the nation witnessed in Jammu, it could be legitimately termed as the mother of all movements in India. Such was the nature of this movement that nothing, not even the cruel reprisals initiated by the authorities, deterred those taking part in the land-restoration movement. The unarmed protestors, on the contrary, withstood all the onslaughts of the threatening army, the Rapid Action Force and the CRPF and the repressive police with renewed zeal, determination and with a sense to sacrifice all for the cause, for their faith and for the ideology they professed. Despite the fact that their life and limb were at stake, the people across Jammu region faced the official policy of senseless brutality with courage. Besides, they, like the people of British India, countered the repressive measures by mass courting of arrest.

What provoked explosions of portentous dimensions across the Jammu province on July 23 was the July 22 statement of Omar Abdullah, made in the parliament during the trust motion moved by Prime Minister Manmohan Singh. (The Prime Minister had moved the motion to prove his majority on the floor of the Lok Sabha following the withdrawal of support by the Left parties on the issue of Indo-US nuclear deal.) Supporting the trust motion, Omar Abdullah made a provocative statement on the Amarnath land row. He said "we will not give an inch of our land to the Shrine Board. The Kashmiris have never demolished or desecrated temples. Despite all tensions, they did not touch Amarnath bound yatries. 'we are not communal like you (BJP people)'...Muslims have always supported the yatra and will continue to do so. The issue was that of land wrested from people. 'We fought for the land and will continue to fight for the land..." (*Dainik Jagran; Kashmir Times*, July 23, 2008). Yet another provocation was the thunderous applause his statement evoked from the treasury benches (*Kashmir Times*, July 23), who conveniently ignored the burning down and desecration of hundreds of temples in Ananatnag (Kashmir) in 1986 and between 1990 and 2008 across Kashmir and also overlooked the fact that the extremists in Kashmir had attacked the Amarnath pilgrims a number of times between June 22 and July

22. It is pertinent to mention here that when Omar Abdullah was speaking in the parliament the religious bigots were attacking, mercilessly beating, humiliating and, even stripping naked some of the pilgrims, including women, at Banihal. It is also important to note that the police of Banihal, instead of rescuing the pilgrims from the clutches of hooligans and separatists, cane-charged them (*Dainik Jagran*, July 22, 2008).

No one had imagined that any person would ever take an extreme step and end his life by consuming some poisonous substance. This had, unlike Tamil Nadu and some other states of the country, never happened in Jammu. This was for the first time that one hunger striker, Kuldip Verma of Bishnah (a jeweler by profession), committed suicide in front of the Brahmin Sabha and took this extreme step to register his anger against Omar Abdullah and the Congress-led UPA Government at the Centre. Kuldip Verma reached the venue of hunger strike at noon, sat there for a few minutes and left the venue. But he again returned after sometime. When some electronic media persons reached the venue for coverage of the hunger strike, Kuldip Verma suddenly stood up from his place and started reciting a poem, he himself had written. He began with "Bigul baj raha hai andolan ka" (*Indian Express*, July 24, 2008). Soon after the poem recital, he fell down and collapsed. He had committed suicide by consuming poison. The *samiti* members immediately took him to the Jammu Medical College, where the doctors declared him as brought dead. In the meantime, the Sub-Divisional Police Officer, Deputy Superintendent of Police, Bakshi Nagar, Mohan Lal Kaith, recovered a suicide note and poem from the pocket of Kuldip Verma. The suicide note, among other things, said: "He had given up his life in protest against what Omar Abdullah said and motivate the people of Jammu to launch a relentless campaign so that the land was restored to the Shrine Board". The suicide note also revealed that he was not happy with the mode of agitation.

The *samiti* members brought the dead body of Kuldip Verma to the venue of hunger strike. The news of his death, described by the SAYSS as "martyrdom", spread like wildfire in no time. The result was that hundreds of people, including *samiti* leaders like Leela Karan Sharma and Brigadier Suchet Singh, reached the spot. The situation

near the venue and several other areas in the city soon turned extremely volatile, with the agitated younger people burning tyres and raising slogans against N.N. Vohra, Omar Abdullah, Mufti Mohammad Mohammad Syed, Mehbooba Mufti and local Congress leaders. Hundreds of people also marched on the city roads and held protest demonstrations at all the busy crossings of the city, thus disrupting normal activities.

After some time, certain persons, who claimed that they were the family members of Kuldip Verma, took the dead body to the Government Medical College mortuary in a police gypsy. This episode further aggravated the already rather tense situation. The *samiti* members accused the police and civil administration of hatching a conspiracy, in collaboration with the anti-movement elements, and said that the Governor's administration was trying to hush up the matter. However, it is true that none of the *samiti* members, including BJP leader Chaman Lal Gupta, resisted the shifting of the deceased from the venue of death to the medical college. This action of the *samiti* members further angered the people, who questioned the role of the former. In the meantime, the activists of the various organizations reached the Medical College. The family members of Kuldip Verma, including his wife, Shilpi Verma and two small children, too, had reached the hospital by then. They got dumbfounded when they came to know that autopsy had already been conducted by a board of doctors in the presence of magistrate without the permission of the family members (*Dainik Jagran* ; *Daily Excelsior* ; *Amar Ujala,* July 24, 2008).

The conduct of the hospital authorities and the police added fuel to the fire. The people, who had gathered in the hospital in large numbers, took recourse to violent methods and smashed furniture, window panes and equipments of the mortuary ward. Besides, they brought the body of Kuldip Verma to Parade, of course, in a vehicle and kept where he had collapsed for enabling people to pay tribute to the departed soul. Hundreds of policemen, including SHO Police Station, Bakshi Nagar, Sanjeev Mahindroo, were there in the hospital premise when all this happened. But none of them could muster courage to prevent the demonstrators from shifting the body of Kuldip Verma from the Medical College to Parade.

In the meantime, the *samiti* leaders declared that they would cremate the body only after the demands of his family members were conceded (*Kashmir Times*, July 24, 2008). The situation as it existed then made it imperative for the *samiti* leaders to sit up in the Brahmin Sabha complex, Parade, and work out a strategy to meet the new situation. Hundreds of the agitating people also entered the premises. They asked the SAYSS leaders to give a call for an indefinite bandh. Some of them even threatened that any failure on the part of the *samiti* to accept their suggestion would only force them to open their business establishments. (The business establishments had downed their shutters immediately after the demise of Kuldip Verma.) However, Leela Karan Sharma did not endorse the suggestion. Instead, he, in consultation with his colleagues in the *samiti*, declared during the hurriedly convened press conference that Jammu province would observe one-day bandh on July 24 to register protest against the death of Kuldip Verma. He made this announcement much to the chagrin of the people who had gathered in the Brahmin Sabha.

However, the developments during the intervening night of July 23 and 24 and the subsequent developments in Bishnah changed the whole scenario. What the people saw around 2.30 am at Parade was the inhuman and barbarous face of the state police. A large number of policemen, led by Mohan Lal Kaith, reached Parade Ground and started beating mercilessly not only the *samiti* leaders, including Brigadier Suchet Singh, but also the family members of Kuldip Verma. They also did not spare the few media persons who had reached there to cover the police brutalities on the mourning people. An elderly woman, who was mourning the death of Kuldip Verma there, too, faced the police wrath. The game-plan of the police was to shift the body to some "undisclosed location" and cremate it. The *samiti* members and the members of the deceased family tried their best to "overpower the policemen" but failed. The extent of the police cruelty could be determined from the fact that they "forcibly dragged the dead body of Kuldip and shifted it to the police vehicle before heading towards Bishnah, 22 kms from Jammu" (*The Pioneer*, New Delhi, July 25).

The police action crossed all the limits on July 24 at 4.30 am, when the "senior police officers" made a "desperate" attempt to "perform the rites" of the deceased "against the wishes of his family mem-

bers" (*Ibid*) using "tyres, "kerosene oil and liquor". (The Hindu scriptures do not recommend cremation in the night.) Divisional Commissioner, Jammu, Sudanshu Pandey, and Inspector General of Police, Jammu division, K. Rajendra, however, dismissed the charge that the police had shown disrespect to the body of Kuldip Verma or to his family members and asserted that "the administration had planned to cremate the body after sunrise". Commenting on the attempt to cremate the body at Bishnah at 4.30 am, they said: "A large number of people started gathering at the cremation ground at 4 am itself following announcements from a temple and a gurudwara and protestors rushed to Bishnah from Jammu. Sensing that situation might go out of control once again as had happened at Parade Ground and Medical College earlier, few cops and a police officer tasked to perform cremation, lit the pyre in the presence of family members of the victim at around 4.30 am. As the mob gathered, the cops retreated after which the youths took away (the) body of Verma". They, in addition, rejected outright the charge that the cops used tyres, liquor and kerosene to "hurriedly cremate the dead body" (*Daily Excelsior*, July 26, 2008). It was a white lie. However, the administration did acknowledge that a "judgment error" did take place when the police tried to cremate the dead body "before sunrise" (*Ibid*). A careful scrutiny of what the Divisional Commissioner and the Inspector General of Police said would reveal that their whole exercise was designed to blame the people for whatever the police did in Bishnah and elsewhere.

It was obvious that the damage had been done and that only a noble and positive intervention by the Union Government or its representative in the state, N.N. Vohra, could retrieve the situation in the Jammu province, which had assumed alarming proportions. But the authorities, instead of doing anything substantial to break the impasse and resolve the land issue to the satisfaction of the agitating people in Jammu, simply imposed curfew, almost all across the Jammu region. The disrespect shown to the dead body of Kuldip Verma and the fact that the people of all the cities, towns and villages of Jammu region had been on the roads, particularly after the police perpetrated all kinds of barbarities on the *samiti* members and the family members of the deceased on July 24-25, left the *samiti* leaders with no other alternative but to extend the period of bandh from time to time, sometimes

with considerable reluctance. Most of the Jammu province reeled under curfew right till August 31, when the Governor administration reached an agreement with the *samiti* leadership and agreed to hand over the Baltal land to the Shrine Board. There were elements in the *samiti* who did not like the idea of bandh after bandh. But the situation was such in Jammu that everyone in the *samiti* had to yield. It is significant to note that the kind of treatment the police and civil administration accorded to the dead body of Kuldip Verma also evoked strong reaction from several Jammu-based Congress and the NC leaders, including Mangat Ram Sharma and Raman Bhalla. They demanded strong action against the erring officials (*Dainik Jagran*, July 26, 2008).

The period between July 24 and August 31 saw Jammu province in a rather aggressive mood. It was during this period that the agitation attained its greatest strength, with the SAYSS trying its level best to come up to the expectations of the people. It is imperative to note that the people across the Jammu region had virtually brought off a coup against the government. Imposition of curfew and its ruthless and willful violation by the determined, chivalrous and fearless people; heroic pitched battles with the police and occasionally with the paramilitary forces; massive demonstrations across the region; burning of tyres; *dharnas* on almost all the vital bridges; disruption of the supply line; flag marches by the army on the roads and streets of almost all the cities, as also on the national highway; disruption of rail traffic; long protest marches; destruction of electronic meters and some symbols of government authority, including police stations; and attacks on the government offices and residences of the Congress and other non-BJP and non-JKNPP leaders, including former ministers; torch light processions; funeral processions of leaders of the various political parties; burning of effigies of political leaders; attack on the government and some private vehicles; stone pelting; black flag demonstrations; and destruction of ATMs became the order of the day.

Between July 1 and July 23 and July 24 and August 31, a total of 10 persons lost their lives (five in police and military firing at Samba {4} and Kathua {1}); two persons committed suicide (Kuldip Verma in Jammu and Balwant Khajuriya in Hiranagar); seven persons in different parts of Jammu attempted suicide; two persons lost their eye sight; at least three persons became physically invalid; a total of 300

FIRs relating to violence and other incidents during the agitation registered; 150 police personnel and 2000 civilians sustained injuries, three of whom were airlifted to the Post-Graduate Institute of Medical Sciences, Chandigarh; Jourian Police Station and Lakhanpur Toll Plaza completely were burnt down and destroyed and the Panjtirthi Police Station damaged extensively; and majority of the police stations were converted into "*Satsangh Ghars*" (prayer houses) by women and children and remained under the control of the demonstrators between August 18 and 20.

As for the role of *samiti*, it continued to issue press statements, organizing press conferences and announcing new action plans. Some of the programmes it announced between July 24 and August 31 included "*Sankalp* Rally (July 26) at Parade Ground, Jammu, Independence Day celebrations on its own at 100 places in the province August (12), 3-day "*Jail Bharo*" programme and "*Raksha Sutra*" campaign (August 15), "civil disobedience" (August 20) and "massive rally" at Parade Ground. Besides, it talked of non-payment of taxes to the government and demanded on a few occasions action against and dismissal of Deputy Commissioner and Superintendent of Police, Samba, (August 4) and removal of Inspector General of Police and two Senior Superintendents of Police, Jammu, (August 25). While the "Sankalp Rally" was a rather low-key affair, the SAYSS did not do anything to start non-cooperation movement and civil disobedience campaign. Even it did not pursue its demands relating to the dismissal of the Samba Deputy Commissioner or the police officials. However, some of the programmes were very impressive because the same were quite exciting and even somewhat radical.

During this period, Leela Karan Sharma addressed two press conferences in Delhi to educate the public opinion. Besides, a 3-member delegation of the SAYSS comprising Ramesh Sabbarbal (RSS), Virender Gupta of the JSM (P) and Yashpal Gupta (trader) visited Delhi and met a few political leaders. The most prominent among those whom this delegation met were CPI leaders A.B. Bardhan, D. Raja, Congress national spokesperson Manu Abhishek Singhavi, former Union Law Minister Ram Jethmalani and BJP and VHP leaders like L.K Advani, Rajnath Singh and Parveen Togadiya. This delegation was headed by Ramesh Sabbarbal.

On a few occasions, some of the *samiti* leaders visited certain places to take stock of the situation there. It also became customary for leaders like Leela Karan Sharma and Brigadier Suchet Singh to visit the areas where the police-crowd clashes were leaving the protestors dead or injured. The situation as it prevailed in the Jammu region after July 24 was such that there was no need for Leela Karan Sharma and his colleagues to tour the province in order to mobilize public opinion. It was more a people's movement than a *samiti*-controlled movement. It is, however, true that the people across the region, besides acting on their own and in their own style, also universally followed all the directives of the SAYSS and converted all of its programmes into magnificent shows, thus unnerving the authorities and rendering the army, paramilitary forces and the police ineffective and unreal in the real sense of the term. The fact is that it had become extremely difficult for the *samiti* to keep pace with the people, who had gone several steps ahead of the SAYSS. It would be no exaggeration to say it was not the SAYSS, but the people, who actually led the movement and that the SAYSS simply tried to keep pace with them. To be more precise, the *samiti* found itself into a tight corner in view of the people's determination to get the things done in the manner they liked. It can be said that the SAYSS could not match the people's sentiments and resolve.

For example, the people will not only participate in the SAYSS-sponsored programmes with great enthusiasm and in large numbers, but they would also organize additional programmes. They, for instance, would come out of their residences at 5 pm everyday, break the barricades, installed by the army in front of each and every entry point, converge on the main roads raising slogans of "Bharat Mata Ki Jai", "Bam Bam Bhole", Down with Vohra" and "Give back land to Shrine Board". To keep the army in good humour and weaken its resolve to take on them, the demonstrators had coined the slogan of "Indian Army *Zindabad*". In fact, on occasions, they would offer the army jawans tea, snacks and fresh drinking water and this technique of theirs had the desired result.

A brief description of at least four major events, which took place in Jammu during the third and decisive phase on August 1, 6, 15 and 18-20, would be in order. Such description would help the readers un-

derstand the determination with which the people of Jammu fought for the land and against those who had yielded before persons professing an essentially intolerant ideology.

On August 1, the people of Jammu poured their anger on Farooq Abdullah of the NC and Mehbooba Mufti of the PDP in a manner no Kashmiri leader had ever thought of. Both these leaders were forced to cool their heels in the premises of the Jammu's civil airport as thousands of protestors gathered outside to block their exit. The massive demonstration at the airport, also joined by women, children and elders, was one of the major events. The people blocked all the roads and stayed outside the airport in scorching heat for more than 4 hours. The administration managed to give a slip to the protestors and after 4 hours of long wait, Farooq Abdullah and Mehbooba Mufti were whisked away to the Raj Bhawan under a very tight security cover.

It needs to be underlined that both these Kashmir-based leaders had flown from Srinagar to attend the all-party meeting called by Governor N.N. Vohra at Jammu — a meeting boycotted by the SAYSS and the BJP. The word leaked out that Farooq Abdullah and Mehbooba Mufti would also be attending the meeting following which thousands of protestors blocked the roads leading to the airport. The State Government decided to airlift them in a helicopter to the Raj Bhawan, but they declined the offer. After sometime, the protestors learnt that either the two leaders were going back to Srinagar or being airlifted to the Raj Bhawan. In the meantime, the route from the airport to the Raj Bhawan, a distance of 12 km, was virtually sealed by three battalions of police and paramilitary forces. It was then that the Kashmiri leaders left for the Raj Bhawan by road and that too through some lanes. The situation in Jammu had turned so volatile in Jammu that the police and the paramilitary forces barricaded all the link roads and streets leading from the airport to the BC Road and the Raj Bhawan, as also all the city roads, with barbed wire fencing to ensure that not even a single protestor could come close to Farooq Abdullah and Mehbooba Mufti. However, people carrying black flags, mostly women, came to the roofs of their houses in different localities along the road likely to be used by the Kashmiri leaders and beat thalis/utensils and conch shells to ensure that their voice was heard by them (*Indian Express*; *Kashmir Times; Dainik Jagran*; *Amar Ujala*; *The Pioneer; Hindustan Times*, August 2, 2008) .

On August 6, thousands of people drawn from all the villages in Suhanjana in Nikki Tawi and Phalayan Mandal area in the outskirts of Jammu city, including a large number of Gujjar Muslims and hundreds of women, started a march towards Satwari Chowk in the morning. They were raising slogans and carrying national flags, canes, sticks, tridents, swords and idols of Lord Shiva in their hands. As they were stopped by the army, the Rapid Action Force, the CRPF and the state police, a large number of them jumped into the Niki Tawi River and went ahead with the march. Security forces found it difficult to chase them, who trekked more than one kilometer in the river and surged ahead. The protestors were finally stopped by the security forces when they crossed the river and prevented them from marching towards Satwari Chowk where they wanted to block the national highway (*Kashmir Times* ; *Daily Excelsior* ; *Dainik Jagran* ; *Hindustan Times* ; *The Pioneer*; *The Hindu*, Delhi; The Tribune, Jalandhar; *Indian Express* ; *Amar Ujala,* August 7, 2008). It was unimaginable to see the protestors jumping into the river and raising slogans of "Bharat Mata Ki Jai" and Bam Bam Bhole. What happened on August 6 attracted enormous publicity and attention not only from the entire country, but from the entire world with even the BBC and the CNN showing the visuals, coupled with appropriate comments. The Delhi-based private TV channels, which so far had not taken any cognizance of the developments in Jammu, virtually ran a round-the-clock programme showing the event.

On August 15, for the first time in 60 years, the people across the Jammu region, barring a few Muslim-majority towns, boycotted the official Independence Day celebrations and participated in the celebrations organized by the SAYSS at more than forty places in the province. The main function was held at Mubarak Mandi complex, the erstwhile seat of power of the Dogra dynasty, Jammu. Approximately 40,000 people, including women and children and persons from all walks of life, braving heavy rainfall gathered at Mubarak Mandi for the Independence Day celebrations. Leela Karan Sharma unfurled the national flag amidst cries "Bharat Mata Ki Jai", "Bam Bam Bhole and so on. Addressing the huge gathering, Leela Karan Sharma stated that the ongoing movement was a "fight of nationalists against the separatist forces" and urged the people to recall the supreme sacrifices the people of India made to achieve political redemption. He

asked the people to fight magnificently against the separatists and against the discriminatory policies of the State Government. "We have no grudge with the people of Kashmir, but they being misled by some anti-national forces", he, in addition, said (*Kashmir Times*, August 16, 2008).

The people applauded Leele Karan Sharma and paid floral tributes to those who had sacrificed their lives for the Amarnath cause. Those present there took a solemn pledge to take the agitation to a logical conclusion at whatever cost. As compared to the huge gathering of the enthusiastic people at the Mubarak Mandi Complex, the venue of the official function, which was presided over by Advisor to the Governor and former Chief Secretary to the State Government, S.S. Bloeria, wore a deserted look. Only a handful of persons attended the official celebrations in Jammu. Those who participated included a few former Congress ministers, some school children, a handful of government officials and some contingents of the Jammu and Kashmir Armed Police, Fire Service Department, National Cadet Corps, the state police (women wing) and state armed police and Forest Protection Force. The scene was similar in all other towns and villages, where the people boycotted the official functions and participated in the ones organized by the SAYSS (*Daily Excelsior* ; *Kashmir Times*; *Hindustan Times* ; *Dainik Jagran* ; *Amar Ujala* ; *The Hindu, The Pioneer, The Asian Age,* Delhi; *The Tribune*, *Greater Kashmir*; *Rising Kashmir*, August 16, 2008). The most significant aspect, which made the official functions lose the sheen, was the absence of school children.The comment of *The Hindustan Times* was : "Sangharsh *Samiti* celebrates, Overshadows Government functions". *The Tribune*' caption was "People throng parallel I-Day function". Like the Niki Tawi incident, the parallel Independence Day celebrations attracted huge publicity on a national scale.

Between August 18 and 20, Jammu presented a scene of remarkable unity among the people drawn from all walks of life and gave clear signal that they could go to any extent to achieve their goal. The SAYSS had announced on August 15 that it would launch three-day *jail bharo andolan* on August 18 in the event of the State Government not conceding its demands. It also called it as jail bharo *satyagraha*. Since the State Government did not do anything after

August to pacify the SAYSS, the latter launched the *jail bharo andolan* on August 18 with much fanfare and it was indeed a great success. No less than 9 lakh people courted arrest after holding massive protest demonstrations in front of the various police stations in the Jammu region. The usual mode was: The people of Jammu province, including women and children, would take to the streets carrying national flags in their hands. Thereafter, they would move towards the police stations in the form of massive processions under the *samiti* leaders shouting slogans "*hum deewane kahan chale*, *jail chale bhai jail chale*", "Bam Bam Bhole", "Bharat Mata ki jai", "Remove Vohra", and "give back land". The scenes used to be more than similar to the ones the nation witnessed during the Civil Disobedience Movement.

On day one, it was the turn of males. They were led to the police stations by the SAYSS leaders, including Leela Karan Sharma and Brigadier Suchet Singh. More than 2 lakh people courted arrest. On day two, it was the turn of womenfolk. Women in their thousands took to the streets, raised similar slogans and courted arrest all over the Jammu region, barring Kishtwar, Doda, Ramban and Poonch. The attempt of the army to prevent women from marching towards the police stations by fencing the entry points of all the streets, lanes and by-lanes with barbed proved to be a futile exercise as surging hordes of women boldly violated the curfew restrictions, crossed all the hurdles and reached police stations chanting Bam Bam Bhole and cursing and ridiculing the authorities. The authorities had not expected such enthusiastic response from women. At the same time, however, the police authorities had converted open grounds, parks and schools into makeshift jails. To the surprise of the authorities, the space proved to be too little to accommodate large crowds, which included even aged women and school and college-going girls. Since adequate number of vehicles was not at the disposal of the police, most of the women, instead of being shifted to the makeshift jails, stayed inside the police stations and the nearby open space. The jail-goers converted all the jails, including the makeshift jails, into "*Satsangh houses*". According to one estimate, more than 3.5 lakh women and men (who were not supposed to take part on August 19) courted arrest across the Jammu region. On August 19, Jammu also witnessed a unique development. As the women left their houses in the morning for courting

arrest the male members of the families took the charge of kitchens. Even more significant development perhaps was the role of children who were seen motivating their mothers, sisters and others to take the plunge for the cause (*Amar Ujala* ; *Dainik Jagran* ; *Indian Express*; *Hindustan Times* ; *Daily Excelsior* ; *Kashmir Times* ; *Greater Kashmir* ; *Rising Kashmir* ; *The Hindu* ; *The Asian Age* ; *The Tribune* ; *The Statesman,* Calcutta, August 19 and 20, 2008). The same day, over 500 members of the black-coated community of lawyers also courted arrest.

Commenting on the women's participation in the event, *The Times of India*, Chandigarh, (August 21, 2008), among other things, wrote: "women power was on full display across Jammu and Kashmir for the first time, united in the strife that divides them. While in Jammu, women in jeans walked silently with candles in their hands demanding restoration of forest land to the SASB, their counterparts in Srinagar, covered from head to toe in salwar-kameez, sang folk songs and shouted '*Raghda*, *Raghda*' (crushed, crushed) stamping the ground beneath their feet in anger against India. The only common factor is that, perhaps for the first time, women in both Srinagar and Jammu took out simultaneous protests, joining their men to support their causes. At least, the Valley hasn't been stranger to women marching out thus – ever since insurgency flared up in 1989, they have often streamed out of their homes. 'We want to stand by our men in our fight for *azadi*", said Raja Begum, a protestor in Kashmir on Wednesday. During 'UN *chalo*' march in Srinagar on Monday, women moved in step with men, offering soft drinks and assembling in groups of 10 or 20, thumping the ground to egg on the protestors with more shouts of '*Raghda*!'. We stamp the ground with anger, considering it our enemy, India, and get satisfaction from doing so', said Jana Begum of Maisuma adding, 'it also raises the morale of the agitators'. 'Women in Jammu, instigated by cries from blaring loudspeakers in temples asking them to take to the streets, decided to make Tuesday an all-women's protest day. They joined the jail bharo andolan and gate-crashed into police stations and tied rakhis on the wrists of their leaders. 'We tied *rakhis* to support our men in our fight for restoring the forest land to the Amarnath Board." Though highly biased, this report of this national daily did acknowledge the enthusiastic participation of the Jammu womenfolk in the *jail bharo andolan* and established

beyond any shadow of doubt that the struggle between Kashmir and Jammu was nothing but a clash of ideologies. The assertion of the paper that they were instigated to join the campaign was a figment of imagination.

On the last day of the *jail bharo andolan*, it was the turn of children. They defied curfew and courted arrest. The age of some of them ranged between two and four years. Though the authorities had warned the people not to allow their children to take to the streets and go to the police stations to court arrest, the warning was overlooked by everyone. Instead, children, along with their parents, carrying national flags and chanting Bam Bam Bhole marched towards the various police stations. Over 3 lakh persons, including children, courted arrest on the last day of the *jail bharo andolan*. The people of Jammu were extremely angry on that day. The reason was that the government had, instead of respecting the sentiments of the people, thought of organizing a cultural programme at the Jammu's Abhinav Theatre in which Farooq Abdullah was also to participate. This decision had only served to add more fuel to the fire. According to the SAYSS record, a total of 1, 52, 000 women and 1, 18, 000 children, besides 6, 50, 000 men courted arrest during this *andolan.* It is significant to note that while the number of jail-goers during the Civil Disobedience Movement (1930-1931, 1932-1934) was 92,124, during the Non-Cooperation Movement the number of jail-goers was nearly 30,000.

Official attitude

It needs to be underlined that during this period of mass upsurge most of the major and small towns remained under curfew. The frightened government, particularly after July 23, had come to believe that imposition of wartime restrictions on the people's movement might produce the desired results and prevent the people from venturing out of their houses. It was only on a couple of occasions that the administration lifted curfew. For example, it lifted curfew on August 15 and on August 24, the day of Janamashtami. Similarly, most parts of the Jammu province remained under the control of the army, the Rapid Action Force and the CRPF. The government deployed army even on the railway track, particularly after the agitating mob damaged the track at Ghagwal and Kathua on August 5. Army remained deployed on the national highway between Lakhanpur and Ramban even after August

31 to ensure smooth movement of traffic to and fro Srinagar. Again, during this period, the police and paramilitary forces used approximately 5000 tear-smoke shells and fired directly or in the air nearly 500 shots and religious leaders like Dinesh Bharti booked under the Public Safety Act (*Daily Excelsior*, August 31, 2008). That the civil administration did everything to frighten and keep the people confined to their houses can be seen from the fact that the army, the Rapid Action Force and the CRPF had seized almost all the towns and cities. They had barricaded all the roads, lanes and by-lanes by erecting barbed wire fencing in order to prevent the people from converging on the roads.

It needs to be noted that the State Government deployed army in almost all the "sensitive" areas and imposed curfew in many of the towns and cities of the region as early as on July 2 (*Hindustan Times* ; *Daily Excelsior*, July 3, 2008). As for the Rapid Action Force, it was deployed in strength in several areas of the region to help the local administration and the state police on July 4 (*Indian Express*, July 5, 2008) and it happened for the first time in the history of Jammu. It was on July 27 that the desperate police started arresting indiscriminately persons with a view to causing terror among the people of Jammu province (*Ibid*., July 28, 2008).). On August 5, the State Government took an extreme step and sealed the Jammu-Punjab border in order to ensure that the people from outside the state did not enter Jammu and join the land-restoration movement (*Dainik Jagran*, August 6, 2008). The State Government, in collaboration with the Union Home Ministry, also deployed on August 19 as many as 4,000 Border Security Force personnel to deal with the situation (*The Tribune*, August 20, 2008). Not content with all these actions, the State Government decided on August 20 to equip police stations in Jammu province with sophisticated weapons and additional manpower to suppress the mass movement (*The Mandate*, Jammu, August 21, 2008). Policemen crossed all the limits when they started raiding houses of civilians in order to thrash everyone there (women, children and elders) where they would not only break the window panes and smash furniture and the vehicles parked inside the houses, but would also fire teargas shells and resort to cane-charge (*Amar Ujala*, August 26, 2008).

Some of the other steps taken by the government and its police force during this period included attacks on media persons, including

photo journalists, and the resultant injuries to several media persons; restrictions on the movement of journalists; non-entertainment of the identity cards and curfew passes during the curfew period; ban on local private TV channels Take 1 and JK Channel for one day (August 3) and permission to resume their telecast "subject to compliance and conformity to the conditions laid down in the Cable Network Regulation Act, 1995 (cable operators had never violated any of the provisions of this Act, they were simply reporting the things as they were); imposition of emergency-like restrictions leading to strong protests by members of the fourth estate and the judiciary to censure the official undemocratic move; rejection of the plea of the SAYSS for holding a "*maha* (massive) rally" at Parade Ground, Jammu; and ban on short messaging service (SMS) with even the Supreme Court of India upholding this decision to prevent what the State Government called "rumour-mongers" and so on from arousing passions (*Dainik Jagran*; *Amar Ujala* ; *Daily Excelsior* ; *Indian Express* ; *Hindustan Times*, August 2-31, 2008)

In other words, the clueless government – apart from pursuing a policy of senseless repression — took all conceivable and inconceivable steps to crush the movement. It is a different story that the people defied each and every action of the law and order enforcing agencies and carried on their movement. In fact, the movement became stronger and stronger with each passing day. Even its attempt to frighten the people following the terrorist attack at Chinore (Jammu) on August 27, which left at least five persons dead, failed to dampen their fighting spirit. On the contrary, the Chinore attack added to their anger, with some people describing the terror attack as a stage-managed show and other terming it as the brain-child of the PDP (*Dainik Jagran*, August 29). The Government, however, did succeed in persuading the SAYSS to call off its proposed "*maha* rally" on August 28 at Parade Ground (*Indian Express*, August 28, 2008).

Movement outside Jammu

The land-restoration movement in Jammu had its impact outside the state as well. But it was not altogether unexpected. The RSS, the BJP, the VHP and similar other formations, which had taken the initiative in Jammu, had on day one indicated that they would "educate and mobilize" public opinion across the country and "expose the com-

munal and anti-Hindu policies of the Congress-led UPA Government and the Government of Jammu and Kashmir". No wonder then that the VHP, the BJP and others of their ilk took the initiative on July 1 itself and held protest demonstrations in several parts of the country, particularly northern India.

In Jalandhar (Punjab), the VHP and the formations like Hindu Jagriti Manch, Manav Kalyan Sangathan, Hindu Ekta Manch, Jan Jagriti Manch, Ambedkar Sena, Punjab, and Brahmin Sabha, mostly created by or affiliated to the RSS, held massive demonstration and blocked the ever busy PAP Chowk and burnt the effigy of Ghulam Nabi Azad. The representatives of all these organizations submitted a memorandum to the President of India, Pratibha Singh Patil, through the Deputy Commissioner demanding imposition of "President's Rule" in Jammu and Kashmir and foolproof protection for the Amarnath pilgrims (*Daily Excelsior*, July 2, 2008). Delhi and Varanasi, Aligarh, Gorkhpur, Gaziabad, Noida and Rampur (Uttar Pradesh) witnessed identical demonstrations. Earlier in the night, the activists of the various saffron groups smashed the window panes of the Rajasthan Transport Corporation-owned and Jammu-bound bus at Bathinda in Punjab (*Dainik Jagran*, July 2, 2008).

The same day, the VHP and the BJP gave a call for Bharat bandh on July 3 (*Ibid).* The July 3 bandh threw life out of gear across the country. Four persons were killed in communal clashes in Indore (Madhya Pradesh). It happened when the activists of Hindu formations forced members of the "minority community to down their shutters to which they objected". The worst affected states due to the strike were Punjab, Haryana, Delhi, Uttar Pradesh, Karnataka, Kerala, Maharashtra, Assam and Jharkhand. The bandh had little or no impact in Tamil Nadu, West Bengal and Tripura. The demonstrators stopped trains and blocked highways and roads at several places. In Mumbai, the VHP workers ransacked a Kashmir Emporium in the Colaba area after making the staff come out of the premises and damaged five Best buses in Kandivili area. Significantly, the strike had a "lukewarm response" in the BJP-ruled Gujarat and Himachal Pradesh (*Daily Excelsior* ; *Indian Express*, July 4, 2008).

The move of the BJP and the VHP to rake up the Amarnath land issue at national level also induced the Shiv Sena (Bal Thakhre) and the Akhil Bharatiya Hindu Suraksha *Samiti* to join the movement. In

fact, on July 14, these organizations decided to send a 21-man suicide squad to Jammu in order to force the government to transfer the Baltal land to the Shrine Board. The squad reached Lakhanpur, but the state police did not give it permission to go towards Jammu. The squad members were pushed back. The police had to resort to cane-charge several times. Thereafter they held demonstration at Madhopur (Punjab) and gave a 72-hour ultimatum to the government to meet its demands failing which they would take an extreme step (*Dainik Jagran*; *Daily Excelsior*, July 15, 2008).

Between July 15 and August 2, neither the BJP nor the VHP organized any demonstration anywhere in the country over the land issue. It was on August 2 that a few Hindu organizations under a RSS leader, Mange Ram Garg, held a strong protest in New Delhi. Bemoaning the role of the State Government, Mange Ram Garg said: "The State has been affected for the past 33 days, but the State and Central Governments are not bothered" (*Daily Excelsior*, August 3, 2008).

In the meantime, former Jammu and Kashmir Governor, Lt. Gen. S.K. Sinha, started a nation-wide tour to educate the public opinion on the land issue. The place he visited first was Patna (Bihar). Addressing a large gathering of people there, he said that "Kashmir has been lost to the Taliban and all his efforts to instill Kashmiriyat have gone up in flames". (*Kashmiriyat* is the term which was coined only after 1975 by some fans of Sheikh Abdullah and their intention was to convey a feeling across the nation, nay the world, that Kashmiri leaders were secular and that the Kashmiri Muslim society highly tolerant and accommodating.) Besides criticizing what he called the "unnecessarily defensive and apologetic stance of New Delhi on the Kashmir issue", Gen. Sinha said: Let me assure you, no amount of political appeasement would help solve the issue". The upshot of his whole argument was that there was "an urgent need to change the mindset" (of the people of Kashmir) and that "the innocuous issue has been raked up with the accusation that the Shrine Board was trying to change the demography of the place" (*Kashmir Times*, August 5, 2008).

Some other major highlights relating to the land movement outside Jammu were the massive protest rallies in Chandigarh on August 12 leading to 548 arrests (*The Tribune,* August 13, 2008); two-hour nation-wide "*chakka jam*" on August 13 (*Daily Excelsior*, August 13)

leading to the death of 2 persons in Delhi (*Punjab Kesari*, Jammu, August 14, 2008); massive protests in Rohtak, Jhajjar, Sirsa, Fatehabad, Sonepat, Karnal, Panipat, Yamunanagar, Kaithal, Jind and Bhiwani (Haryana) on August 13 (*The Tribune*, August 14, 2008); complete strike in Gurdaspur and Sunam (Punjab) on August 13 (Ibid); 3-day (August 15-17) mass awakening raksha sutra (rakhi) campaign throughout the country; attack on Omar Abdullah's mineral water factory at Kulu (Himachal Pradesh) on August 14 (Amar Ujala, August 15, 2008); and thousands and thousands of court arrests in Sangrur, Gurdaspur and Tarn Taran (Punjab), Yamunanagar, Ambala, Sonepat, Sirsa, Fatehabad and Rewari (Haryana), Delhi, Nagpur (Maharashtra), Orissa's Bhubaneshwar and Raurkela and Kanpur, Allahabad and Badaun (Uttar Pradesh) on August 21 (*The Tribune & Glimpses of Future*, Jammu, August 22, 2008).

Significantly, the Human Rights Commission of the United Nations also expressed concern over the developments in Jammu and Kashmir. But even more significant was its biased approach to the developments in Kashmir and Jammu. It had not uttered a single word till August 27 on the manner in which the State Government had been conducting itself in Jammu. It was only on August 28 that the United Nations drew the attention of the Central Government following reports of some killings in Kashmir. The United Nations office of the High Commissioner for Human Rights asked the Indian authorities to "respect the right to freedom of assembly and expression and comply with international human rights principles in controlling protests" (*Early Times, Jammu*, August 29, 2008). That the United Nations' human rights body would adopt such a partisan attitude was beyond comprehension. Obviously, it made the people of Jammu raise their concern over such lop-sided approach. Their grouse that such a world level organization had adopted a dual approach to the issues facing Jammu and Kashmir was well-founded. The United Nations should have first understood the nature of problem in Kashmir and Jammu and then commented. That it did not do so and reacted only when some killings took place in Kashmir speaks of its biased approach towards those fighting for an ideology, which was pro-India and secular.

Nature and social composition of movement

It was a unique movement in every respect and it could be compared with any of the epoch-making movement in the world. The frightened government did all that it could to crush the movement, but nothing came out of its efforts. It had thought that the movement in Jammu would collapse within a week. But it was not to be. There are cogent reasons to believe that the military intelligence, the Rapid Action Force and the Intelligence Bureau had informed their bosses that the people of Jammu were as chivalrous and courageous as they were ideologically motivated to the Amarnath cause and that they could sustain the movement for any number of months. There are also potent reasons to believe that the officials of the Rapid Action Force had informed their bosses in New Delhi that they had never seen such brave people and that it was impossible to tackle and control them.

The nature and intensity of the movement was such that not a single Jammu-based leader belonging to the formations like the Congress, the NC and the PDP could muster courage during all these more than two months to venture out of his/her house. So much so, all the offices of these political parties, located in the highly-guarded localities, remained non-functional. The attitude of the Kashmir-based leaders of these parties was no different. They were not only mortally afraid of the idea of visiting Jammu during the days of agitation. They started visiting the winter capital and other areas of the region only after the Election Commission of India announced the schedule of Assembly elections in October, 2008.

The people of Jammu observed bandh for as many as 48 days between June 30 and August 31, including the 38-day long continues bandh. Not a single person protested against the decision of the SAYSS. Instead, people, irrespective of their political affiliations and religious denominations, not only endorsed each and every decision of the SAYSS, but also organized additional protests throughout the period of agitation on their own, all very impressive shows. During this period, all the business activities remained suspended, financial institutions, including banks, closed and the ATMs non-functional. But the people, including vendors, small tea stall and dhaba owners, highway dhaba owners, auto and taxi drivers, bus and truck drivers, vegetable

growers and sellers, small and marginal farmers, daily wagers and petty clerks did not raise any hue and cry. This two month long agitation had badly affected the vendors and labourers, who earned on daily basis and whose even one day break from work meant no money for the next day's meals. Similar was the plight of auto drivers. They had exhausted all of their savings and most of them had to borrow money from their relatives and friends. None of them ever cried/regretted his participation in the movement. They continued their participation in the movement with the same enthusiasm.

The agitation, coupled with complete shutdown across the region, created a situation under which it became extremely difficult to procure goods of day-to-day use, including ration, milk and vegetables. But not a single incident of food riot took place anywhere in the region. None regretted his/her support to and participation in the movement. On the other hand, several public-spirited non-governmental organizations and a few persons and traders realized the gravity of the situation and the nature of the problem confronting the poor and the needy. They set up free kitchens for them and provided good food to everyone who needed it. Not only this, several large-hearted persons used to distribute ration among the poor and the needy and it consisted of rice, flour, mustard oil, sugar and salt. Free langars were also started in the premises of several temples. It was something splendid. Such things had seldom happened in India during the days of freedom struggle. Those who set up free kitchens and distributed ration among the poor and the needy included Shopkeeper' Association, the Sewa *Samiti*, the Youth Committee, Sri Sri Ravi Shankar's Art of Living, the Welfare Association and so on (*Dainik Jagran*, August 4, 8, 11 and 18 & Sept 2, 2008; Indian Express, August 5, 26, 27 & 30, 2008; *Punjab Kesari*, August 10, 2008 & *Amar Ujala*, August 29, 2008).

Thousands of daily-wagers, including masons, plumbers and electricians, from Bihar and Orissa, who used to work in Jammu to earn their two times meal, did not leave Jammu for their original habitats despite the fact that the construction activities in the region had come to a standstill and that they were facing serious financial problem. Instead, they became an integral part of the Jammu agitation. Their contribution to the success of the movement was second to none. All these

daily wagers were looked after by various public-spirited individuals and organizations.

The participation of women, children and elders was spectacular and on an unprecedented scale. The contribution of the business community and the community of black-coated lawyers and advocates, student community, the Sikhs, the Jains and the Christians to the movement was splendid. The industrialists, the transporters, the agrarian community and who not came forward to extend their unstinted support to the movement. The literary class and intelligentsia, which hitherto had hardly taken part in any of the agitations/protests, too, came to the forefront, demanding land restoration and accusing the authorities of promoting an intolerant ideology. While the Jammu-based doctors staked their jobs and joined the movement, other Jammu-based government employees extended their covert support to it. The bank employees wore black badges on the days when the banks functioned to an extent.

The mass movement in Jammu, in which the urban and the rural population played a very significant role, also built up fraternal unity between the internally-displaced Kashmiri Hindus and the original inhabitants. The cohesive response resulted in a fierce resistance to the official coercion in the areas where the displaced Hindus were living in large numbers among the locals. The manner in which the displaced Kashmiri Hindus participated in the movement and suffered the official onslaughts established that the local population could depend upon them in any crisis situation and that they had become part and parcel of the Jammu society.

Highly significant was the participation of Muslims of Jammu in a movement which was basically a Hindu movement. Certain anti-movement and pro-separatists elements did try to foment communal trouble in the Muslim-majority areas of the Jammu region by instigating certain disgruntled elements to resort to violent methods and encourage migration of Gujjar Muslims from the Hindu-majority areas. But they succeeded in their game-plans to a very limited extent. They could provoke communal tensions only in two places.

For example, they provoked communal altercations in Poonch on August 8 (*Kashmir Times*, August 9, 2008). On August 13, they played a similar mischief in the sensitive town of Kishtwar. The resultant violence left two persons dead and 80 others wounded. Be-

sides, the unruly mobs burnt down 100 shops and houses, a hotel, a petrol pump and two showrooms of Hero Honda and Bajaj (*Daily Excelsior*, August 13, 2008). These houses, shops and business establishments belonged to both the communities. Of course, the developments in Kishtwar made the Hindu shopkeepers seek arms licenses (*The Tribune*, August 21, 2008). Poonch town again witnessed communal clashes on August 23 leading to injuries to as many as 50 people and looting. Some anti-social elements also resorted to arson and looting; burnt down 60 shops, most of them belonging to the Hindus; and desecrated and destroyed a few temples. It was again the handiwork of some separatists and fanatics. These anti-social elements, at the instigation of the Kashmir-based separatists, targeted the Hindus and their houses and shops (*The Mandate*, Jammu, August 24, 2008; *Dainik Jagran*, August 25, 2008). However, it was the midnight clash in Poonch on August 27, which made the Hindus of the area think in terms of migrating to safer areas. The situation in the area had turned so communal that some of the Hindus walked all through the night to reach safer places (*Dainik Jagran*, August 26, 2008 ; *Indian Express*, August 27, 2008).

Not content with all this, the anti-movement elements engineered migration of about 80 Gujjar families from Samba, R.S. Pura and Bishnah to Sunjwan, Jammu, on August 22 (*Kashmir Times*, August 23, 2008). Their purpose was to communalize the situation and paint the ongoing agitation black. The *Greater Kashmir* (August 23, 2008), in particular, painted things in a fashion which was designed to provoke communal riots in the region. It carried a story, which was nothing but an attempt at frightening the Gujjar Muslims and engineering clashes.

A part of the story filed by Muhammad Hashim Khan from Jammu needs to reproduced here to indicate the extent to which certain elements had gone to communalize the situation in Jammu. It read: "Thousands of Gujjar families are ready to migrate from Samba, Kathua, Hira Nagar and Lakhanpur areas in Jammu in the wake of threats to them by the activists of the BJP and Shiv Sena. At least, 120 families from these areas arrived at Sunjwan in Jammu today. Bashir Ahmed of Rath Sarkar, Hira Nagar, who along with his 30 family members, arrived in Sunjwan, told Greater Kashmir, 'We have migrated from there after we received threats. BJP and Sena activists

had told us that once Amarnath yatris returned from Kashmir, Muslims putting up in the area won't be spared. After the Amarnath yatra ended we came to know that two trucks full of swords have reached Lakhanpur and they are waiting to strike". This was a false story. No other paper, not even *The Kashmir Times,* which was working as the mouthpiece of the separatists and religious fanatics during the agitation days, reported any such thing. On the other hand, the Muslim Gujjars' repeatedly asserted saying "it is not Hindu agitation, it is Jammu agitation" (*Dainik Jagran*, August 10, 2008). Several Muslim organizations called the bluff of the separatists saying the "Muslims have not migrated from anywhere" (*Indian Express*, August 12, 2008).

The truth, in short, is that the Jammu-based Muslims, including the Gujjar, Shiite and Teli Muslims, not only supported the movement, but also participated in all the programmes, without any exception, organized by the SAYSS. So much so, they accused the Kashmiri leaders, both mainstream and separatist, of outraging the Hindu sentiments and demanded restoration of the Baltal land to the Shrine Board, notwithstanding the fact that there were a couple of reports that certain elements had burnt down some temporary sheds of the Gujjar community in Vijaypur, Samba and Kathua. The attitude of the Muslims in other places of the region, barring Poonch, Rajouri, Doda, Bhaderwah and Kishtwar, was no different. Everywhere they held press conferences to express their solidarity with the SAYSS and took part in all of its activities. There was no coercion. Comprehensive reports on the issue of communal riots at a couple of places and about the migration of Gujjars in the *Daily Excelsior. The Indian Express,* the *Hindustan Times, The Tribune,* the *State Times, The Pioneer*, the *Dainik Jagran,* the *Amar Ujala*, the *Punjab Kesari* and even *The Kashmir Times* (July 1- August 31) tell the real story and establish that the people of Jammu demonstrated a remarkable unity during the period of upsurge. Majority of the Muslims in Doda, Kishtwar, Bhaderwah, Poonch and Rajouri remained indifferent and there were reasons for that. The most important reason was the Kashmir-based separatists' no-holds-barred propaganda in these areas against the land movement in Jammu. The likes of Syed Ali Shah Geelani did all that they could to provoke communal riots. Significantly, the PDP also played a similar role. It was heartening to see the Jammu-based Muslim organizations

repeatedly denouncing the communal approach of the separatists and other Kashmiri leaders to the Amarnath land issue.

That the movement in Jammu was highly broad-based can be seen from the fact that almost all the communities and associations extended their full support to the SAYSS and participated in its programmes. Those who extended their support to the SAYSS included the Rajput Sabha, the Brahmin Sabha, the Kashyap Rajput Sabha, the Mahajan Sabha, the All-India Mahajan Shiromani Sabha, the Deaf and Dumb Association, the Jammu and Kashmir Backward Classes Union, the Rashtriya Brahmin Parisangh, the Mahasa Sadar Sabha, the Sant Ravi Das Sabha, the All-India Kissan Sabha, the Jain Sabha, the Jain Yuvak Sangh, the Muslim Federation Jammu, the Gujjar United Front, the Muslim Welfare Association (Kathua), the Muslim Front Jammu, Minority Forum, the Christian Welfare Association, the Teli Welfare Association, the Sainik Sewa Parishad, the Valmiki Samaj, the Bazigar Samaj, the Jat Kalyan Sabha, the Jammu and Kashmir Samaj Sudhar Committee, the Sikh National front, the Farmers' Association, the Bhardwaj Biradari, the Senior Citizens' Forum, the Rashtriya Sikh Sangat, the Gurudwara Prabhandak Committee, the Hari Kripa Sewa *Samiti*, the Sadhu Samaj, the Kinnars' Association, the Indian Labour Organization, the Panun Kashmir, the All-State Kashmiri Pandit Conference, the Roots in Kashmir, the CCI, the Federation of Industries, the BAJ, the Jammu University teachers' Association, the Jammu University Research Scholars' Association, the National Students Welfare Association, the Jammu Joint Students Federation, the Beopar Mandal, the Goods Carrier Association, the Matador Union, the Taxi Union, the Hardware Paint and Sanitary Dealers' Association, the All-Jammu Hotel and Lodge Association, the Hotel and Restaurant Association, the Veterinary Doctors' Association, the Private Schools' Association, the Dogri Sanstha, the Jammu Municipal Corporation and so on. Besides, the SAYSS was supported by several political parties. Some of them were the Praja Parishad, the People's Revolutionary Movemcnt, the Bahujan Samaj Party, the Awami Jan Shakti Party, the Jammu State Morcha (Progressive), the Lok Janshakti Party, the Kranti Dal, the Socialist Democratic Party, the Ladakh Union Territory Front and the National Bahujan Party.

So much so, some of the most respected Muslim bodies indirectly supported the movement in Jammu by asking the State Government to undo the wrong in the larger interests of the people. The All-India Muslim Personal Law Board and the Deoband School were two such organizations (*Daily Excelsior*, August 1). Former chairman of Hazrat Khwaja Moin-ud-Chisti Ajmer Committee Peerzada Shivali Qasim denounced the State Government as well for revoking the land transfer order (*Amar Ujala*, August 3).

Financial loss

The people of Jammu suffered a huge financial loss due to the two-month long agitation. According to the September 8, 2008 petition submitted by the CCI to Pawan Kotwal, Commissioner/Secretary, Industries and Commerce Department, Jammu and Kashmir Government, suffered a loss of Rs. 9,980 crores. The tourism trade, including hotels, lodges, restaurants, cinemas and other related activities, suffered a loss of about Rs. 3,050 crores. The agriculture sector suffered a huge loss of Rs. 980 crore. The transport and automobile sector suffered a loss of Rs. 750 crore. 50,700 traders suffered a loss of Rs. 1,150 crores and industry a loss of Rs. 4,050 crores.

Although the major issue that remained under constant focus during the agitation was issue of the Baltal land, the SAYSS and several other organizations did rake up the issue of discrimination with Jammu from time to time. The upshot of their whole argument was that the revocation of the land transfer order was nothing but a manifestation of the Valley leadership's discriminatory policies towards the people of Jammu province. In fact, one of the additional factors which aroused sentiments and hopes in Jammu province during the land-restoration movement was what could be called the anti-Kashmir leadership feeling. Linking of the issue of discrimination with the emotional land issue was a natural corollary.

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CHAPTER – III

ISSUE OF DISCRIMINATION

During all these 62 days of agitation, almost all the non-Congress, non-NC and non-PDP political formations and social groups consistently raked up the issue of discrimination with the people of Jammu province. Certain younger and radical elements even demanded trifurcation of the state into three full-fledged states of Jammu, Kashmir and Ladakh, saying reorganization of the state on regional, as opposed to religious, lines was the only panacea available to end the discriminatory policies. The most significant development was the July 31, 2008 decision of more than 12 organizations to form Jammu State Front and fight for separate Jammu State (*Indian Express*, August 1, 2008). Their argument was that the Kashmiri leadership had destroyed Jammu politically, economically, socially and culturally and that only separation of Jammu from Kashmir could enable the people of Jammu province to shape and mould their political and economic future themselves within India and under the Union Constitution. On occasions, even the SAYSS suggested reorganization of the state as a lasting solution to the Jammu problem.

The grouse of the SAYSS and others was that the Kashmiri political elite had at no point of time during all these years of the state's accession to India treated the people of Jammu province fairly and that it had virtually forced them to adopt a policy of political mendicancy. The specific charge of all these formations was that the Kashmiri ruling elite, in pursuit of its political, economic and social policies, had all along allowed itself to be guided more by the Valley interests. Yet another charge was that the Union Government, like the Kashmiri ruling elite, had all through given preference to Kashmir, without any regard to the interests, aspirations and compulsions of the people of Jammu and Ladakh.

The charges of the SAYSS and other non-Congress, non-PDP and non-NC groups just cannot be brushed aside or dismissed as silly and

preposterous. Similarly, their contention that it was Jammu, and not Kashmir, which was feeling genuinely alienated, cannot be overlooked. The available official literature, proceedings of the Jammu and Kashmir Legislative Assembly and statistics do establish that the people of Jammu were deprived of their legitimate due share in the state's political, economic and social processes. They undoubtedly made a point when they contested the alienation formulation being consistently advocated by the Kashmiri leaders and their supporters in Delhi and elsewhere, including some sophisticated social scientists, leading political commentators and well-known conflict-managers.

Alienation

What is alienation? According to M Seeman, author of germinal work on the meaning of alienation (*American Sociological Thought*, XXIV, 6, 1959), "alienation denotes the estrangement of the individual from key aspects of his or her social existence". Or, "alienation is a feeling on the part of the individual that he cannot influence the situations (social or political) in which he interacts".

How is alienation caused? Karl Marx says in his *Economic and Philosophical Manuscripts* (1844) that alienation is caused when the individual loses "control over his own destiny and sees that control vested in other entities".

Almost similar is the formulation of E. Fromm, who, in 1956, wrote *The Sane Society*. He opines that "alienation is that condition when man does not experience himself as the action bearer of his own powers and richness, but as an impoverished 'being' dependent on powers outside himself".

Let us examine the status of "alienated" Kashmiris (whose demands range from merger with Pakistan to independence to self-rule to greater autonomy) in the country's polity. Such an exercise is imperative to find out if the "grievances" of the Muslims of Kashmir really fall within the ambit of the universally-accepted meaning of alienation as stated above. But more than that, it would help our policy-makers devise ways and means aimed at mitigating the hardships and sufferings of those in Jammu and Kashmir who are actually alienated from what certain keen Kashmir-watchers term as the 'Valley's anti-democratic and sectarian ruling class".

The people of Kashmir, minus those who vouch for the two-nation theory such as the AHPC leaders and their followers, hold the Central Government squarely responsible for their alienation from the national mainstream. The upshots of their arguments are four in number:

One: New Delhi has at no point of time allowed them to manage their own political affairs themselves in a meaningful manner. Two: The Central Government has all along treated them like "slaves". Three: The Government of India has "brutally subverted the internal autonomy granted to the state under Article 370 of the Union Constitution with a view to bringing Jammu and Kashmir on a par with other states". Four: The North Block, which also houses Finance Ministry, has always ignored the financial needs of the state.

Significantly, all of our leading political analysts and academics share the perceptions of Kashmir leaders. None of them has, it appears, ever tried to come to grips with the realities in the state.

A careful scrutiny of the available facts and official statistics establishes that there is no other community in India which is more privileged than the people of Kashmir and that New Delhi has always accorded them a very special treatment.

Strange may it sound, but it is a fact that these Kashmiris (Sunnis), who constitute roughly 22 per cent of the state's population, have always obtained from the centre a system of government which is almost exclusively of them, for them and by them. Take, for example, their total control over the state's political scene as well as an effective say in the New Delhi's corridors of power. In October 1947, when the state acceded to the Indian Dominion as per the stipulations of the Indian Independence Act, they and their leader, Sheikh Mohammad Abdullah, succeeded in influencing the New Delhi's policy towards Kashmir. To be more precise, they plainly told the then Prime Minister Jawaharlal Nehru that they would endorse the Maharaja Hari Singh's decision on the state's accession only if the political power was transferred from Jammu to the Valley-based NC chief (Sheikh Abdullah) and Jawaharlal Nehru obliged them by asking Hari Singh to abdicate the state power in favour of the Sheikh. Ever since then, they have been ruling over the state. Ghulam Nabi Azad was the only Jammu-based political leader who occupied the office of Chief Minister between November 2005 and July 7, 2008.

The factor that helped the Kashmir's political elite the most to retain control over the state polity was the mechanism it diligently evolved in 1951 which could always enable the people of Kashmir to capture more than 50 per cent seats in the Assembly (from the small Valley itself – the Valley had 46 Assembly segments as against 41 in Jammu and Ladakh which were in no way inferior to Kashmir both in terms of land area and voters) and three of the six seats in the Lok Sabha. And, all this, notwithstanding the unambiguous rules laid down by the Indian Representation of the People's Act or the Jammu and Kashmir Representation of People's Act of 1957.

Again, it was at their behest (and much against the wishes of the people of Jammu and Ladakh and others in Kashmir) that Article 370 was incorporated in the Indian Constitution. Article 370 curtailed the powers of the Central Government to the extent that it could not bring the state within the purview of any Central law or institution without the "concurrence or consultation of the State Government" even if there is breakdown of the constitutional machinery and chaos in the state.

The June 14 to July 24, 1952, parleys between the Jammu and Kashmir *Wazir-e-Azam* and Prime Minister Jawaharlal Nehru on the state's political future, the 1975 Indira Gandhi-Sheikh Abdullah accord and the 1986 Rajiv Gandhi-Farooq Abdullah agreement and the resultant political concessions like the one which empowered not the state but an individual (the Sheikh) to seek withdrawal of any of the Central laws extended to Jammu and Kashmir between 1953 and 1975 further demonstrated that Kashmir had a prominent place in the New Delhi's scheme of things.

Those who accuse the Union Government of "brutally subverting the state's autonomy" are only concealing the facts for reasons best known to them. That they are not revealing the true story can be seen from their oft-repeated vague statement to the effect that "some of the central laws have been applied to the state without legal warrant or propriety".

It is important to note that New Delhi has at no point of time during all these 62 years of accession imposed any Central law on Jammu and Kashmir against the state's will. It can be seen from the *Report of the State Autonomy Committee*, April 1999 (page-63), where the then ruling NC, an ardent votary of greater autonomy, admitted in

unambiguous terms that the state was brought within the ambit of over 260 central laws with the "concurrence of the State Government".

As for the share of Kashmiris in the vital service sector, they hold all or nearly all the approximately 3.5 lakh positions in the government and semi-government organizations, located in the Valley. Besides, they occupy nearly 20 per cent of the jobs in the regional services of Jammu and Ladakh. They not only occupy most of the higher and lucrative positions in the government, in the revenue and police administration and in the judicial and political services, but also hold a majority of ordinary and middle-level positions across the state. In addition, they control trade, commerce, transport and industry and own big orchards and landed estates. None of them is without a house. Likewise, the per capita expenditure on woolen clothes in Kashmir is highest in the world. Similarly, the per capita meat consumption in Kashmir is highest in the world. It is three times that of Gujarat and Rajasthan. The annual expenditure on meat in the state is approximately 6,000 crores. No wonder then that none in Kashmir till date has, unlike Bihar, UP and Orissa, died of either hunger or cold.

Similarly, the charge of the Kashmiri leadership that New Delhi consistently ignored the state's financial needs appears to be misplaced. Jammu and Kashmir is a "Special Category" state, which receives Central assistance on the basis of 90 per cent as grant and the remaining 10 per cent as loan. The state was given this status in 1990. Besides, as a "Special Category" state it receives the highest per capita central assistance after Nagaland. For instance, the per capita central assistance for the state in 2000 was Rs. 3010, as against Rs. 385 for Uttar Pradesh, Rs. 305 for Tamil Nadu and Rs. 190 for the highly backward Bihar. According to Vir Sanghvi of *The Hindustan Times* (August 17, 2008), "Bihar gets per capita Central assistance of Rs. 876 per year" and "Kashmir gets over ten times more: Rs. 9,754 per year". His article "*Think the unthinkable*", besides recommending the right to self-determination to the Muslims of Kashmir, said: "Kashmir's entire Five Year Plan Expenditure is met by the Indian taxpayer. In addition, New Delhi keeps throwing more money at the state: in 2004, the Prime Minister gave Kashmir another $ 5 billion for development". Besides, New Delhi spends hundreds of crores of rupees in the state every year on what are categorized as the "centrally-sponsored schemes".

It is difficult to avoid the conclusion that Kashmir is one of the most prosperous regions of the country and that it enjoys a very special status in the Indian polity. On the contrary, the people of Jammu province nourish several grouses against New Delhi and Kashmiri leadership. Some of the issues the non-Congress, non-NC and non-PDP formations and social and professional groups raised in Jammu during the agitation days were related to the Union Government's indifferent attitude to the political aspirations of the people of Jammu province, representation in the Assembly and Parliament, funds for developmental activities, administrative units, power generation, road connectivity, unemployment, disparity in wages and admission policy. It is interesting to find that the people of Jammu province saw in the Amarnath land issue a rare opportunity to get their grievances redressed. That was one of the most important reasons behind the people's support to the land movement.

First battle in Constituent Assembly

A peep into the records does make one conclude at once that what the people of Jammu province had lamented during the agitation was not a manifestation of their bias against the people of Kashmir. Whatever they said during the days of agitation appears to be logical and well-founded. Hence, any impartial investigator would agree with them when they complain about the discriminatory policies. It would be only appropriate to refer to the attitude of New Delhi towards them and catalogue here a few of the grievances of the people of Jammu province.

It is widely held that Jammu and Kashmir came in for discussion in the Indian Constituent Assembly only on October 17, 1949, when Article 306-A (Article 370) was adopted and the solitary State of Jammu and Kashmir was permitted to have a special kind of relationship with the Union Government as well as a special dispensation totally different from what other States of the Union obtained under the Indian Constitution, which came into force on January 26, 1950. This assessment is only partly correct.

The first casualty

A close scrutiny of the proceedings of the Constituent Assembly reveals that the issues concerning Jammu and Kashmir were discussed twice – first on May 27, 1949, and finally on October 17, 1949. It also shows that the focus on this state on May 27 was far more sharp and revealing than what it was on October 17, despite the fact that the issue under discussion was highly sensitive and controversial and that the subjects discussed were two and not just one. (Article 370 was sensitive in the sense that it was designed to give Jammu and Kashmir the right to have its own constitution and a flag other than the national flag. This Article was adopted in no time, despite the fact that a Muslim member of the Constituent Assembly Maulana Hasrat Mohani had warned that the grant of special status to Kashmir (on the score of religion) would enable it "assume independence afterwards" (*Constituent Assembly Debates*, Book No 5, Vol. Nos. X-XII, 6 Oct 1949 to 24 Jan 1950, reprinted by Lok Sabha Secretariat, New Delhi, Second Edition, 1989, p. 428).

It would be only desirable to ignore what transpired during the rather brief and virtually smooth discussion on Article 370 as the matter is too-well-known and reflect on the May 27 less-known, but very relevant issue, which kept the Constituent Assembly really engrossed in squabbles and tortuous discussions for hours together. Such an exercise is imperative to understand the reasons behind the 62-year-old complaint of the people of Jammu and Ladakh that "they have no place whatever in the country's polity" and that "it is New Delhi which is responsible for their socio-cultural and politico-economic degeneration and under-development".

In October 1947, when Jammu and Kashmir acceded to the Indian Dominion, it was hoped that the Congress Government at the Centre will recognize the natural right of the people of the State to return representatives of their choice to the Indian Constituent Assembly. The hope stemmed from the June 17-18, 1934, Congress Working Committee resolution, as well as the April 1936 resolution adopted by the Congress at its Lucknow session.

The 1934 resolution had told the British Government in clear terms that "the constitution must be framed by a Constituent Assembly elected on an adult franchise or a franchise which approximated to it as nearly

as possible". As for the one adopted at Lucknow, it had rejected the Indian Councils Act of 1935 as "a charter of bondage" and declared that no constitution "imposed by an outside authority and no constitution which curtails the sovereignty of the people can be accepted". The belief of the people of the State, that they would have a real say in the matter, had been further strengthened in 1946, when the Congress urged the Cabinet Mission to permit all the male and female adults to elect the Indian Constituent Assembly and to accept the Muslim League's sectarian demand which sought election on the basis of a separate register (suggestion not accepted).

Paradoxically, the Congress Government did not come up to the expectations of the people of Jammu and Kashmir. The people of Jammu and Kashmir could not send representatives of their own choice to the Constituent Assembly. The Congress-dominated Constituent Assembly did not at all involve the people of the state in the process of Indian Constitution-making. Nor did it follow those election rules which the 1946 Cabinet Mission Plan had laid down for the princely states. On the contrary, it vouched for a formula which was nothing but a negation of what the Congress had all along stood for. It only pleased one person, the Sheikh, and his political formation, the NC.

How else would one interpret the adoption on May 27, 1949 of the motion moved by the Minister of Kashmir Affairs, Gopalaswami Ayyangar, and the speech he made while introducing it? The motion read: "Notwithstanding anything contained in paragraph 4 of the Constituent Assembly Rules all the seats in the Assembly allotted to the State of Kashmir may be filled by nomination and the representatives of the State to be chosen to fill such seats may be nominated by the ruler of Kashmir on the advice of his Prime Minister".

Ayyangar's speech went like this: "we have to choose a method by which we could get representatives into this Assembly. We are today in a position to bring to this House four persons who could be said to be fairly representative of the population of Kashmir. The point that I wish to urge is that, while two of the representatives would in any case under the present rules be persons who could be nominated by ruler, we are suggesting that all the four persons should be nominated by the ruler on the advice of his Prime Minister. The Prime Minister happens to represent the largest political party in the State...Apart from that, we have got to remember that the Prime Minister and his government

(NC Government) are not based upon the Jammu and Kashmir *Praja Sabha* (Legislative Assembly) but based rather upon the fact that they represent the largest political party. Therefore, it is only appropriate that the head of this party, who is also the Prime Minister, should have the privilege of advising the ruler as to who would be proper representatives of Kashmir in the Constituent Assembly..."

It may be pointed out that this motion had generated a lot of heat in the Constituent Assembly which debated upon this issue for hours as objection after objection was raised against the suggested formula. Members of the Assembly such as Pandit Lakshmi Kanta Maitra (west Bengal), H V Kamath (CP and Berar) and K T Shah (Bihar) vehemently opposed the official motion on five counts. First, it provided for a mechanism which was not in conformity with "such rules as contained in Rule 4 of the Constituent Assembly Rules". According to Rule 4, the seats allotted to the princely States had to be filled up not less than half by the elected members of the legislature of the States concerned and the remainder to be nominated by the ruler himself.

Second, it made an unjust and invidious distinction between Jammu and Kashmir and other princely States. Third, it was designed to empower one individual, Sheikh Abdullah, to take a decision on who should or should not represent the State in the Constituent Assembly, as also the future politico-constitutional ties between the State and New Delhi. Fourth, for its general distrust of the people and the duly-constituted *Praja Sabha*. The motion was, undoubtedly, designed to render the people and their elected Assembly ineffective. Finally, for its potential of harming the Indian interest in Kashmir and giving a cause to the forces inimical to the country to challenge its stand that the people of the state were solidly behind it.

Shah, it must be noted, was more severe in his criticism of the motion in the sense that he urged the Constituent Assembly to repudiate the motion outright. In addition, he fervently solicited the support of the elected *Praja Sabha*. Justifying his suggestion, Shah said: "Had the situation been in the State as normal and peaceful as in other cases, I would have certainly followed the same precedent, and required that at least part of the representatives should be representatives of the people chosen by their representatives in a proper form. But as the situation is there today, with all the complications that have arisen, all the representatives of the people must be elected..."

"I am not asking too much when I say that we shall not be departing from democratic principles or idea of justice or prudence or wisdom in this matter if we say that the people of Kashmir, and the people of Kashmir alone, shall elect all the representatives to this House. If this party, the National Conference, claims to represent the entire or at least a large majority of the people of Kashmir, then there is no reason to fear that they cannot send representatives according to their wishes. They need not therefore shirk the suggestion I am making..."

This shows that Shah had two basic arguments. One, that Sheikh Abdullah and his political formation did not represent the general will. Two, that the suggestion of Ayyangar, if accepted, might harm the country's vital interests. Prof K T Shah's first point that Sheikh Abdullah and his political formation did not represent the general will of the Kashmiri people, was elaborated by him in these words: "I am constraint to point out that the developments in the history of Jammu and Kashmir in three and half years should not be overlooked. You must not overlook the agitation that was started in February 1946, whereby a responsible party or the leader of that responsible party, had started a campaign of 'Quit Kashmir' and in consequence thereof events developed and created difficulties that have since ensued. I do not like the House to be a party to anything that might look as if it was a surrender to one man's wishes, that nothing can be done until the Maharaja is removed or complete power is handed over to him (the Sheikh had told Prime Minister Nehru that he would not be in a position to run the administration effectively until Maharaja Hari Singh was removed from his position). Whether or not he holds the complete confidence of all the people has yet to be proved. I am aware he may have a large following; but at the same time, if you want proof beyond the possibility of doubt, there is no reason why you should not send invitation for an election even under the limited franchise that is prevailing. If you have adult franchise that would be better. But even under the limited franchise of 1946, if you hold an election, you will get the true representatives of the people".

As for the other issue, Shah opined: "You must also not forget that the events that have happened have invested the other countries (United States and United Kingdom) and the sister Dominion (Pakistan) and those outside with interest in the matter. That being so they will not take any decision unilaterally made by us without demur. If you want to have peace restored, if you want to live in peace with your

neighbour, you should not give needless occasion for them to say that here you are purchasing a design and committing an act and taking steps whereby your own declarations, and what is more, whatever interests the others (the people of Jammu and Ladakh) may have are being jeopardized. If that is going to be a slur on the good name of this country, and its claim to stand always for the people or for those who are oppressed, then I think that it is not too much to demand that the representatives in this case should be wholly elected, and should be the true reflex of the people..."

It is important to note that all of Prof. Shah's pleas, coupled with an unambiguous warning regarding the grave evils that would follow on the introduction of the formula as suggested by the official motion, were turned down by Ayyangar and Prime Minister Nehru. Both of them defended the motion, which, in a sense, was designed to undermine the importance of the people, the *Praja Sabha*, and the State ruler. And, all this, despite the fact that both of them had candidly acknowledged that the process they had suggested for the State was "not ideal".

It would be only desirable to quote what Prime Minister said in defence of the motion. He said: "It amazed me to hear Shah propose that the so-called *Praja Sabha* of Kashmir should send representatives to this House. He should know that there is nothing more bogus than the *Praja Sabha*...He ought to know that the whole circumstances under which the last elections were held in 1946-1947 were fantastic and farcical. He ought to know that it was boycotted by all decent people...And the type of people who got in the *Praja Sabha* was the type who had opposed the freedom movement throughout, who had done every injury possible to the idea of freedom of Kashmir till then..."

"...That is the kind of body referred to; it is the bogus body, it is really no body at all; it is the disembodied spirit...I admit that it is not desirable for any member of this House to come by nomination or be selected by some narrow process. Though the process suggested for Kashmir is not ideal, yet I do think that it is the better process...It is the process where you get a popular government with representative of the popular party at the head of it recommending to the ruler that certain names should go. Even from the view of democracy, that is not an incorrect process. It is hundred per cent correct."

However, what was most surprising was the attitude of other members of the Constituent Assembly. All (or nearly all) of them either sided with Ayyangar and Jawaharlal Nehru or adopted an indifferent attitude to the otherwise heated debate on a subject of far reaching importance. As a result, the Ayyangar formula was adopted. The immediate fall-out of this decision was the entry into the Constituent Assembly of Sheikh Abdullah and his nominees, Mirza Afzal Beg, Maulana Masoodi and Moti Ram Baigra.

Thus, commenced an era in which the people's democracy became the first casualty. One may or may not agree, but it is a fact that all the elections, with a couple of exceptions, have been rigged by the Valley's ruling class, with the Election Commission of India taking no cognizance. If one really wishes to determine the extent of rigging, one has only to look at the statistics relating to the 1951 elections to the Jammu and Kashmir Constituent-cum-Legislative Assembly. Statistics show that 73 of the 75 National Conference candidates were returned to the House unopposed. It could happen only because the state administration rejected wholesale the nomination papers of all the non-NC candidates, who also wanted to contest elections to this supreme body, which was not only to frame a constitution for the State but also to legislate on matters, politico-administrative and socio-cultural. The details on other polls reveal the same thing.

Another battle in Constituent Assembly

What provoked a sort of furore in the Constituent Assembly on May 27 was the motion moved by Gopalaswami Ayangar, then controlling the Ministry of Kashmir Affairs, to the effect that "notwithstanding anything contained in paragraph 4 (of the Schedule to the Constituent Assembly Rules), all the seats in the Assembly allotted to the State of Kashmir may be filled by the ruler of Kashmir on the advice of his Prime Minister".

Several objections were raised against this official motion. However, the one which irritated some of the members most was the omission of Jammu from the nomenclature of the State. Again, prominent among those who opposed the motion were Pandit Lakshmi Kanta Maitra and Prof. K T Shah. Prof. K T Shah possessed first-hand knowledge about the State and its people as well as the kind of political

upheavals it had witnessed since 1931. He remained associated with the affairs of this princely State for 15 long years and was its Planning Advisor for a few years before October 1947. He was also aware of the shape things would assume in Jammu and Kashmir in the days to come as he had a 15-day long interaction with NC president Sheikh Mohammad Abdullah, who had gone all the way from Srinagar to Mumbai to discuss with him his New Kashmir Plan. (The NC adopted "New Kashmir" programme in September, 1944 and demanded that "the Treaty of Amritsar dated March 16, 1846, signed between Maharaja Gulab Singh and the then British Government of India, which was in the nature of sale deed and was thus an insult to the people the State (Kashmir) must go lock, stock and barrel. This became the theme" of the 'Quit Kashmir' movement", which 'was launched in early 1946 — April-May" (*Report of the State Autonomy Committee*, Jammu, April, 1999, P. 11).

While Pandit Maitra put question after question to know "if the word 'Kashmir' includes both Jammu and Kashmir", Prof. Shah moved an amendment to the official motion and made an appeal to the Constituent Assembly to ensure that the words "Jammu and" also figure before the word "Kashmir wherever it occurs".

Moving the amendment, Prof Shah said: "...There is some significance in this matter, which makes it more than ever necessary that you (Ayyangar) should not omit the other part (Jammu), and, if one may say so, the first part of the title of that ancient State. By calling it the State of Kashmir only you are perpetrating an error...May I ask...if we have made a mistake in the first instance, if we have been carried away by the importance of one sect (Sunni Muslims) of the State, by the importance of personages (the Sheikh and his colleagues) connected with that part of the State, is that any reason why we should forget the other side and no less important part of the State; and in this formal document continue to perpetuate that mistake and speak only of Kashmir, when we really mean Jammu and Kashmir? It is a fact not denied by the mover that is the correct name of the State".

Prof. Shah also told the Constituent Assembly that the relations between Kashmir and Jammu were not very cordial. To make his point, Prof Shah said: "Those at any rate who remember the campaign of the present Prime Minister (Sheikh Abdullah) of the State in connection with (the 1946) Quit Kashmir movement will realize that in the sequence

of events that have happened, it is liable, if you describe it in this manner, to be gravely misunderstood wherever such nomenclature is allowed to be used; and our public records will be disfigured to that extent... The State of Jammu and Kashmir is correctly described as Jammu and Kashmir, so to say, there are two States in one kingdom, just as Scotland and England were two States under the first of the Stuarts. The king was the King James the sixth of England and King James the First of England. There were two crowns worn by one person. In regard to the State of Jammu and Kashmir until about the communal rising in 1931, it was for all practical administrative purposes actually divided into two provinces more or less distinct, though under the same ruler..."

He did not stop here. Prof. Shah went on cautioning the Constituent Assembly, saying "the matter of nomenclature is not merely a matter of verbal emendation that it has behind it a significance, a significance, in the sequence of events, not confined only to this House or this country. It has repercussions outside this country... Therefore, we must be careful in every word that we use, so that our expression, our nomenclature, our whole wording is in conformity with the situation and the correct facts".

In reply to Pandit Maitra, Ayyangar said: "Kashmir means Jammu and Kashmir". He also justified his motion saying "in the Draft Constitution, the Schedule mentions the State of Kashmir" and "in the list that is attached to the Constituent Assembly Rules, it is already described as Kashmir". He urged the members not to make this an issue and "let this description of the State of Kashmir stand, because if you change it, we will have to change other things which are already in our Statutes and Rules". In other words, Ayyangar expressed his unwillingness to insert the words "Jammu and" before Kashmir for reasons better known to him and which failed to carry conviction with Pandit Maitra and Prof. Shah. This is evident from the questions they raised in response to the lengthy statement of Ayyangar on the nomenclature of the State.

Convinced that Ayyangar would not be in a position to convince Pandit Maitra and Prof. Shah, Prime Minister Jawaharlal Nehru himself took the stage. He defended Ayyangar and said that his stand was "correct". He said that "I have been connected with Kashmir in many ways, and, in a sense, I belong to Kashmir more particularly than to any part of India. I have been connected with the fight of freedom in

Kashmir…And so, if I venture to say anything in this House, I do so with greater authority than Prof. Shah can presume to have on the subject…" After saying so, he made a lengthy statement to counter the arguments of Prof. Shah and in praise of Sheikh Abdullah and his NC and the Quit Kashmir Movement. At the same time, he suggested "a small change in the wording of the motion" with a view to "removing" what he called "a slight confusion in the people's mind". What he actually suggested was that the "State be described as Kashmir State, and then putting within brackets, the words otherwise known as the State of Kashmir and Jammu".

It needs to be recalled that the State at no point of time during 1846-1949 was styled as the "State of Kashmir and Jammu". It was always known as the State of Jammu and Kashmir, with Jammu as its permanent capital. It should also be underlined that the practice of moving the State Secretariat from Jammu to Kashmir and back was started during the time of maharaja Ranbir Singh (1857-1885) for reasons political, the most noteworthy being the British design to cause anti-maharaja stir in the Valley and establish their foothold there and in and around Gilgit in order to check the Russian activities across the border.

Anyway, Prime Minister Nehru's formula did not click. Nor did it discourage Prof. Shah in his efforts to enlist the support of the Constituent Assembly in favour of his amendment. With the result, the deadlock continued. Ultimately, Ayyangar moved an amendment to his motion and suggested that the name of the State be read as the State of Kashmir (otherwise known as the State of Jammu and Kashmir)". The Constituent Assembly adopted the amended motion. Thus, Jammu, which had ruled over Kashmir for 101 years, found space in the nomenclature of the State, though within brackets. This happened primarily because of the efforts put in by the unyielding Prof. Shah, with Pandit Maitra extending him full support. Had they, like other members of the Constituent Assembly, remained mum or toed the official line, Jammu would have totally disappeared from the nomenclature of the State (*Constituent Assembly Debates*, Book No 3, Vol VIII, May 16, 1949 to June 16, 1949, Reprinted by Lok Sabha Secretariat, New Delhi, Second Reprint, 1989, pp. 357-373).

Negation of Manmohan Singh's pious intentions

May 25, 2006 saw the people of Jammu in a jubilant mood. They said that an important chapter had been opened in the history of relations between Kashmir and Jammu – a chapter which promised a fair share to them in the government, as also the growth of secularism in the state. Some of them had even said that a great step forward had been taken by Prime Minister Manmohan Singh for which the people of Jammu had cried for years. All these hopes had stemmed from the Prime Minister's "closing remarks" at the second roundtable conference, held on May 25 at Srinagar, as also from the fact that it was for the first time in 60 years that the Union Government involved all the political parties and prominent social groups in the state in a process aimed at ascertaining their views on the problems being faced by the people and finding a lasting solution to them.

It needs to be recalled that Prime Minister Manmohan Singh had on that day announced the setting up of five working groups, along with the terms of reference. The ones which had pleased the people of Jammu province all the more included "methods of strengthening democracy, secularism and the rule of law in the state", "effective devolution of powers among different regions to meet regional, sub-regional and ethnic aspirations" and "balanced regional and sub-regional development within the state".

The working groups met several times before submitting their reports to the Prime Minister on April 24, 2007, when the third roundtable conference took place at the official residence of the Prime Minister. A summary of four of the five reports was circulated among the delegates to the roundtable conference. The bulk of delegates belonged to Kashmir. Some of the most prominent among them included Farooq Abdullah, Omar Abdullah, Mufti Mohammad Sayeed, Mehbooba Mufti, Muzzaffar Hussain Beig, Saif-ud-Din Soz, Peerzada Syed Mohammad, Mohammad Hakim Yaseen and Mohammad Yousuf Tarigami. The summary of the reports evoked a contradictory response from the delegates. While those from Kashmir expressed their happiness over the recommendations as contained in the working groups' reports and demanded their immediate implementation, those representing the BJP, the Panun Kashmir, the LUTF, the Bahujan Samaj Party vehemently opposed the recommendations. The Kashmiri leaders

endorsed all the recommendations because all of them were on the lines suggested by their respective political parties.

One of the delegates representing the BJP (this author, a Jammu University's History Professor and the then party's vice-president and spokesperson) hailed Prime Minister Manmohan Singh, saying "his intentions were very pious", but, at the same time asserted that the "instrument through which he wanted to implement those intentions was rotten and communal to the core". He was referring to the Jammu and Kashmir Government. In this context, he referred to the role the Congress, the NC, the PDP, the CPI-M and the PDF legislators played in the Jammu and Kashmir Legislative Assembly during the 2007 January-February budget session and said that all these formations were one against Jammu, secular ethos, democratic values and the refugees from West Pakistan" (all Hindus, predominantly members of the Scheduled Caste community) and "against all that you hold very dear".

A brief reflection on what the ruling coalition comprising the Congress, the PDP, the PDF and the CPI-M and the main opposition NC did in the Assembly during the budget session is necessary to show what they actually stood for. Hence, a reference here to their attitude to at least eight "Private Member's Bills" about which the BJP delegate spoke in the roundtable conference.

One, the JKNPP, one of the coalition partners, moved a "Private Member's Bill" in the Assembly seeking support of the House in favour of the suggestion that there should be only one flag for the state. In effect, the bill highlighted the significance of the national flag and wanted all the political parties to adopt the same so that the provisions concerning the state flag were repealed and the national flag reigned supreme in Jammu and Kashmir as was the case with other states of the Union. All the coalition partners, without any exception, and the opposition NC summarily rejected the landmark "Private Member's Bill", which was simply aimed at integrating the state with the rest of the country or bringing the state on a par with other states.

Two, it may sound unbelievable and ludicrous, but it is a fact that all the coalition partners, with the exception of JKNPP, adopted in no time a "Private Member's Bill", which was moved by the opposition NC. The bill provided for one-year imprisonment for those who would not show the kind of respect the state flag deserves. The NC had moved this bill to counter the BJP's age-old one-flag (national flag) and one-

constitution (Indian Constitution) slogan. The defeat of the "Private Member's Bill" on national flag and the adoption of the bill on punishment for those not showing due respect to the state flag and the unqualified support extended by the ruling party to the Valley-based outfits had sprang a big surprise.

Three, the BJP legislator moved a "Private Member's Bill seeking citizenship rights for the refugees from West Pakistan, numbering approximately 1.5 lakh. He made a passionate plea to the House that his bill needed to be passed as these hapless refugees had been denied their fundamental rights, including the right to own immovable property in the state, right to contest election to the Assembly and local bodies, right to franchise, right to equality, right to higher and professional education, right to bank loan, right to obtain jobs under the State Government and so on, but with no result. The ruling party and all other parties, barring the JKNPP and the JSM, opposed the bill tooth and nail. The result was the collapse of the bill.

The opposition of the ruling Congress to the bill was beyond comprehension considering the fact that Manmohan Singh (Prime Minister), Lal Krishan Advani (former Deputy Prime Minister and presently Leader of Opposition in the Lok Sabha), Inder Kumar Gujral (former Prime Minister), Jagmohan (former Governor and Union Minister), Arun Shourie (Member Rajya Sabha and former Union Minister) and so on were all refugees from Pakistan. That the Congress and the NC, the PDP, the PDF and the CPI-M joined hands and got the bill defeated only indicated their lack of commitment to the human rights of the refugees from West Pakistan, as also their willingness to go with those in Kashmir who were opposed to these refugees on the ground that their empowerment would change the demographic profile of the Assembly segments in Jammu and enhance the Jammu's reprsentation in the legislature.

Four, the JKNPP moved another "Private Member's Bill" seeking incorporation of the words "secularism and socialism" in the preamble of the Jammu and Kashmir Constitution. The upshot of its whole argument was that "since the preamble of the Indian Constitution contained these two words, the same needed to be incorporated in the State Constitution so that the state polity was given a secular and socialist orientation". The bill failed to carry conviction. The ruling Congress, its coalition partners, including the Left parties, plus the

opposition NC, rejected out-of-hand this bill, thus indicating their negative approach to the cardinal principles of secularism and socialism.

Five, the JKNPP moved yet another "Private Member's Bill" in the Assembly in the same session. It was designed to ensure parity between Kashmir and Jammu as far as their representation in the Assembly was concerned. The bill said that Jammu province and Kashmir division each be divided into 52 Assembly segments so that the Jammu's age-old grievance was redressed. But it was bitterly opposed. The ruling Congress, like the PDP, the NC, the CPI-M and the PDF, repudiated outright this bill. The opposition of the Congress to the bill was all the more surprising considering the fact that its core constituency was Jammu province, especially its Hindu-majority areas, which returned as many as 25 members to the Assembly.

Six, the NC sprang a surprise in the Assembly when it moved a "Private Member's Bill" seeking protection of the temples and shrines of the Kashmiri Hindus. It was expected that this bill would be adopted at once. But it did not happen. All the coalition partners, excluding the JKNPP, and the BJP and the JSM, joined hands and ensured the defeat of the bill. It is hardly necessary to catalogue the reasons behind the opposition of the ruling coalition to this bill. Seven, the NC moved another "Private Member's Bill" on the need to adopt Shariat laws. While the ruling coalition and the JKNPP extended their unqualified support to this bill and adopted it, the BJP and the JSM opposed it. The ideologue of the PDP and Deputy Chief Minister, Muzzaffar Hussain Beig, did express some reservations, but ultimately he also voted for the bill.

Eight, the JKNPP moved one more "Private Member's Bill" seeking reduction in the life of the Assembly from six to five years. Its argument was that "since the term of the assemblies in the country was five years, the Jammu and Kashmir Assembly should also be constituted for a period of five years". The Bill was defeated in no time. Health Minister Mangat Ram Sharma made a mockery of himself and his party when he said in the Assembly that the bill, if adopted, would mean "reduction in the pension of the legislators". He said that "six-year term benefits the legislators". The NC and the PDP, on the other hand, opposed the bill saying that "Jammu and Kashmir enjoys a special status within the Union and, hence, the life of the Assembly has to be six-year". It needs to be noted that it was the NC, a staunch supporter

of greater autonomy, which had in 1977 adopted the central legislation enhancing the life of the Lok Sabha and the assemblies from five to six year — legislation which the Janata Party Government repealed.

The bitter opposition of the ruling coalition and the NC to certain "Private Member's Bills" and their unqualified support to certain other bills indicated two things: Support for those bills which had the potential of further widening the already rather wide gulf between the state and New Delhi and opposition to those which had the ingredients of bringing the state closer to New Delhi, secularizing the state polity, empowering the refugees from West Pakistan and dispensing justice to Jammu province. The message was that they stood for a system that was different from what was in vogue in the rest of the country.

Prime Minister Manmohan Singh, Home Minister Shivraj Patil, National Security Advisor M.K. Narayanan, Jammu and Kashmir Chief Minister Ghulam Nabi Azad and former *Sadar-e-Riyasat* of Jammu and Kashmir and Union Minister Karan Singh all patiently listened to the BJP delegate. Ghulam Nabi Azad, who was conducting the proceedings, even went to the extent of giving him sufficient time so that he could make his point, notwithstanding the fact that the BJP delegate was attacking the policies of his own government. However, the response of Farooq Abdullah, Omar Abdullah and Mangat Ram Sharma to what the BJP delegate was saying was altogether different. They repeatedly interrupted and criticized him. In fact, they and Bhim Singh created an ugly scene in the conference. Their attitude indicated that they had no place in their scheme of things even for a genuine dissent.

It was under this situation that the Union Home Minister circulated the already prepared statement among the delegates to the roundtable conference and asked them to adopt the statement. The statement contained the decision of the Central Government to implement all the recommendations of the working groups. The BJP, the LUTF, the Panun Kashmir, the Bahujan Samaj Party (BSP), to mention only a few, bitterly opposed the statement. Their representatives said that the reports of the working groups contained everything for those who had been fighting against the Indian State but nothing for Jammu, refugees from West Pakistan, Ladakh and the internally-displaced Kashmiri Hindus. The basic arguments of the BJP delegate against the recommendations of the working groups were two: "The Congress, the PDP and the NC

are together engaged in making decisions which, instead of bringing Jammu and Kashmir closer to India, are taking it further away" and "the recommendations of the working groups are being imposed upon us, which is not acceptable". The BJP delegate suggested a middle path. He asked the Union Home Minister either to delete from the statement the line "the members expressed their appreciation for the sincere efforts made by the working groups established at the end of the second roundtable conference and observed that the recommendations made by the first four groups which submitted their reports could very substantially contribute to the objectives of the dialogue process" or add one more line "the BJP did not support those recommendations which, according to them, were militant and separatist-friendly". The Home Minister rejected the suggestion.

All this led to an impasse. The Union Home Minister repeatedly asked the opponents of the resolution to review their stand. He sought to assure that their viewpoint would also be accommodated. But all his efforts failed. Thereafter, the BJP leaders, Ashok Khajuria, Nirmal Singh and this writer, and the Panun Kashmir leaders, Ajay Chrungoo and Agnishekhar, announced that they were dissociating themselves from the resolution, which was adopted by all other delegates. If one wishes to know what actually transpired in the meeting and about what the BJP delegate said, one has to read Praveen Swami's lead article "*The bits and pieces of a consensus*" and the lead editorial "*Case for consensus*" (*The Hindu*, April 28, 2007).

It needs to be noted that the authorities in Delhi and Srinagar had consistently asserted that the recommendations of the working groups were state-centric, and not Kashmir-centric. They always said that the working groups had recommended that the refugees from West Pakistan could be given domicile certificates so that they could lead a dignified life. But there was nothing in the reports in this regard. Similarly, there was nothing for the refugees from West Pakistan in the report submitted by all-party committee to the state Chief Minister in 2007. This committee, which rejected outright the suggestion that these refugees needed to be given all the citizenship rights, had nowhere recommended that the refugees would be given domicile certificates. What it had suggested to the Union Government was that "each refugee family should be given financial relief to the tune of rupees two lakh and in no case less than rupees one lakh".

If the attitude of the State Government towards the refugees was negative, the attitude of the "Working Group on Confidence Building Measures Across Segments of Society in the State" was no different. It simply said: "Problems being faced by the refugees who came from West Pakistan in 1947 such as State Subject status should be settled once for all. The Working Group expressed concern and need for further relief and rehabilitation of refugees of 1965 and 1971 wars who have not been fully rehabilitated living mostly in Jammu Province". Indeed, it was a vague suggestion. No wonder then that these refugees are still up in arms against the powers-that-be in New Delhi and Jammu and Kashmir.

As for the people of Jammu province, the report of this working group said: "The working group touched upon balanced regional development, economic development of certain communities..." That was all. In other words, it was vague as far as its attitude to Jammu province was concerned. It also did not recommend anything substantial for Ladakh and internally-displaced Kashmiri Hindus.

On the contrary, this working group recommended several concessions for those involved in terrorist and anti-India activities. It said "The group recommends review and revocation of laws that impinges on fundamental rights of common citizens such as Armed Forces Special Powers Act...Orphans of killed militants with no source of income should be included as a goodwill gesture...The group felt that there is a need to create conditions for persons who have forsworn the path of militancy to avoid reversion back to militancy and to provide them a definite policy/package for their rehabilitation...The working group recommends to categorize youth into those who joined militancy for misguided ideological reasons, monetary considerations and forced circumstances. It suggests consideration of a policy within a framework of CBM enunciated in the RTC and after verifying the identity of persons returning from other side (Pakistan-occupied-Kashmir) within a timeframe to be decided. Such persons should be given a rehabilitation package and treated with dignity to join the mainstream...Start unconditional dialogue process with militant groups for finding sustainable solutions to the problems of militancy" (*Summary of Reports of the Four Working Groups on Jammu and Kashmir*, PP. 1-16).

The grouses of the people of Jammu and Ladakh, who constitute nearly half of the state's population and inhabit nearly 89 per cent of

the state's land area, against New Delhi are not without any substance. There are umpteen other instances which show that New Delhi has never treated all the regions of the state equally and that it has all along given a preferential treatment to Kashmir and the Valley leadership. The transfer of political power from Jammu to Kashmir in October 1947 through questionable means, the decision of the Union Government to deprive Jammu of its age-old capital status and make Srinagar the capital of the State, the incorporation of Article 370 in the Indian Constitution at the behest of Sheikh Abdullah, the 1952 Nehru-Sheikh Abdullah parleys on the state's political future, the 1975 Indira Gandhi-Sheikh Abdullah accord envisaging an autonomous status for the state and the 1986 Rajiv Gandhi-Farooq Abdullah accord are some of the glaring examples. The people of Jammu had bitterly opposed Article 370 and all the accords between New Delhi and the Kashmiri leadership on the ground that all these had the potential of defeating their most cherished goals – full merger with India, application of the Union Constitution to the state in full and a political system that could empower them to administer their own affairs themselves in a meaningful manner.

The loud protests of the people of Jammu against certain policies of the Union Government during the days of Amarnath agitation need to be viewed in the context of the policies New Delhi pursued between 1947 and 2007, and even afterwards, for placating the Kashmiri leadership. Similarly, the slogan of reorganization of the state, repeatedly raised during the days of agitation by the Jammu-based organizations, has to be viewed in the light of their complaint that "they were consistently ignored by the State Government in matters relating to representation in the Assembly, Parliament, service sector, professional institutions, infrastructural development" and so on.

Representation in Assembly and Parliament

The people of Jammu province have been discriminated against. Their political representation in the Assembly has been diluted due to the absence of delimitation based on the criteria laid down by the Representation of People's Act (RPA). Those at the helm have all along played with the census figures in order to ensure more than fifty per cent representation to Kashmir in the Assembly. The story of the 2001 census was no different. It has all through been the charge of the people

of Jammu province that the "Kashmiri leaders always fudged the census figures with a view to harming their interests". They did not cross the line when they consistently complained during the days of agitation that "they are underrepresented in the Assembly" and asserted on occasions more than one that "it is this under-representation which is responsible for their all round neglect". They also made a valid point when they said that "it is the composition and complexion of the Assembly which shapes the politico-administrative and socio-economic policies of the state" and that the people of Jammu province must be given due share of representation in the Assembly.

It may be emphasized that the people of Jammu have been demanding since 1951 "due share in the Assembly strictly in accordance with the criteria laid down by the RPA – land area, voters/population and nature of terrain and accessibility".

The area of Jammu Province is 26,293 sq km. According to the 2002 voters list, there were 30, 59,986 voters in the Jammu province, whose terrain is also very difficult and treacherous. Bulk of the area of this province is inaccessible in the absence of proper road network. As for Kashmir, it has an area of 15,953 sq km. The number of voters in this province was 28, 83,550. As for the accessibility and communication network, Kashmir is very fortunate in terms of road connectivity and accessibility.

Till 2002, Jammu used to return two members to the Lok Sabha and 37 to the Assembly at the rate one per 15.59 lakh voters and 84,270 voters, respectively. In contrast, Kashmir had the privilege of returning three members to the Lok Sabha and 46 to the Assembly at the rate of one per 9.61 lakh voters and 62,673 voters, respectively.

Kashmir had 46 Assembly segments at the rate of one per 344 sq km on an average and Jammu 37 Assembly segments at the rate of one per 710 sq km on an average. This is the root cause of conflict between Kashmir and Jammu. The people of Jammu province always complain that "it is the Kashmir's excessive share of representation in the Assembly which has deprived them of their legitimate due share in the state's political, economic and social processes".

If we go by the July 6, 2006 Cabinet decision, which proposed to increase the number of seats by 25 per cent each in Kashmir and Jammu, then it would automatically mean 58 seats for Kashmir, as against the existing 46 seats, at the rate of one per 275.05 sq km and 49,723 voters

on an average. In other words, it would mean an increase of 12 seats. As far as Jammu is concerned, it would only get 46 seats, as against the existing 37 seats, at the rate of one per 571.58 sq km and 66,000.52 voters.

The people of Jammu province have protested several times against this Cabinet decision, saying this order, if implemented, would further increase the difference in the number of seats between Kashmir and Jammu from the existing difference of 9 to 12 seats.

Yet another issue of immediate concern was the controversial census operation carried on in the state in 2001. Several political groups accused the State Government of "fudging" the census figures. According to this census, the population of Kashmir was 54,76,970 and that of Jammu 44,30,191. As for Kashmir, the break-up was like this: Srinagar – 12,02,447, Budgam – 6,29,309, Anantnag – 11,72,434, Pulwama — 6,52,607, Baramulla – 11,69,780 and Kupwara — 6,50,393. As for Jammu province, the break up is: Jammu – 15,88,772, Udhampur – 7,43,509, Kathua – 5,50,084, Poonch – 3,72,613, Rajouri – 4,83,284 and Doda — 6,91,929. This shows that population difference between Kashmir and Jammu was 10,46,779. It was a huge, huge difference.

A number of political formations, including the BJP, the JKNPP and the JSM (P) repeatedly asserted that the population of Jammu province was equal to Kashmir, if not more. It is universally acknowledged that more the population more the number of voters. In 2002, the number of voters in Kashmir was 28,83,550, which also included approximately 1.5 lakh Kashmiri Hindu and Kashmiri Sikh voters, who have been exercising their franchise in exile since 1990, when their communities were forced to quit Kashmir by fundamentalists. In Jammu, the number of voters was 30,59,986. That means Jammu had 1,76,436 more voters as compared to Kashmir.

In 2008, Kashmir had, according to the State's Chief Electoral Officer, 32,60,663 voters. As for Jammu, the number of voters was 30,84,417. In other words, while the number of voters in Kashmir increased by 1,00,867, the number of voters in Jammu increased by only 24,431 votes.

It was the startling revelation made by the Chief Electoral Officer, B. R. Sharma, at a time when the agitation in Jammu was at its zenith, which made several political and social groups to question the assertion

of Kashmiri leaders that the "Valley has more population". They interpreted the assertion of the Valley leadership as "ridiculous" and misleading. They pointed out that the population difference between Kashmir and Jammu was never so huge between 1941 and 1991 and went on to say that the population of Jammu was more as compared to Kashmir in 1941. They said that it was true that many Muslims migrated from Jammu to Pakistan in 1947 in the wake of the country's communal partition, but also stated that it was equally true that nearly hundred per cent non-Muslims, including Hindus and Sikhs, from Pakistan-occupied-Kashmir migrated to Jammu the same year to escape their physical liquidation at the hands of the votaries of the two-nation theory. They repeatedly bemoaned that "the Kashmiri leadership, in collaboration with the Union Government, manipulated 43 seats for Kashmir in 1951 and Jammu was forced to remain content with just 30 seats". There was no census in Jammu and Kashmir in 1951. Whatever the Kashmiri leadership did was an arbitrary action.

A scrutiny of the census figures reveals that the population difference between Kashmir and Jammu was never so huge. In 1961, the population of Kashmir was eighteen lakh and that of Jammu sixteen lakh – difference two lakh. In 1971, the population of Kashmir was 24,35,701 and that of Jammu 20,75,640 – difference 3,60,661. In 1981, the population of Kashmir was 31,34,904 and that of Jammu 27,18,113 – difference 4,16,791. In 1991, the state was excluded from the census exercise. But, according to the Department of Economics and Statistics, Government of Jammu and Kashmir, the population of Kashmir in 1991 was 40,10,202 and that of Jammu 35,37,957 – difference 4,72,245.

Now let us look at the population growth in Kashmir and Jammu between 1961 and 2001. Such an exercise is imperative to call the bluff. Between 1961 and 1971, Kashmir witnessed population growth to the tune of 6,35,061 and Jammu 4,75,000 – difference 1,60,061. Between 1971 and 1981, while Kashmir witnessed population growth to the tune of 6,99,203, Jammu's population increased by 6,42,473 – difference 56,730. Between 1981 and 1991, the population in Kashmir increased by 8,75,298 and Jammu's by 8,19,844 – difference 55,454. And, between 1991 and 2001, while Kashmir registered growth in population by 14,66,768, the population in Jammu increased by 9,02,234 – difference 5,64,534.

This huge difference of 5,64,534 should clinch the whole story and establish that those at the helm did commit a fraud on Jammu with a view to countering the movement in Jammu for representation as per the 2002 voters strength, if not on the basis of population.

That those at the helm did not act fairly is further evident from two other major developments which took place in the State between 1990 and 2001. One, the population of Jammu suddenly increased in 1991 by about three lakh because of migration of Kashmiri Hindus and Sikhs from the militant-infested Valley. Two, the population of Kashmir decreased by about five lakh owing to the migration of Kashmiri Hindus, Kashmiri Sikhs and Kashmiri Muslims from the Valley to Jammu and elsewhere in the country.

Let us also examine the argument for the sake of argument that the fertility rate among the Muslims is higher as compared to the non-Muslim communities. If Kashmir was a Muslim-majority region, the demographic profile of the Jammu's erstwhile Doda district and Poonch and Rajouri districts had been no different because these were, and continue to be, all Muslim-dominated areas. The population growth in these areas should have been much higher because these were the areas which housed most of the 5.4 per cent of those people who lived below the poverty line in the State during the period under scrutiny. It is generally believed that the fertility rate among the poor is always higher. The average percentage of population which lives below the poverty line in the country is 27.5.

Inadequate funds

The development of Jammu province has been prevented by inadequate funds allotted to it. For example, in the 8th five-year plan (1992-1997), 9th five-year plan (1997-2002), 10th five-year plan (2002-2007) and 11th five-year plan (2007-2012) Jammu's share in such sectors as agriculture was Rs 57.61 crore, 147.31 crore, 270.49 crore and 337.56 crore, respectively; irrigation 91.14 crore, 112.79 crore, 267.76 crore and 282.04 crore, respectively; roads and buildings 144.2 crore, 29.38 crore, 730.93 crore and 1229.24 crore, respectively; health 123.92 crore, 226.07 crore, 330.32 crore and 510.81 crore, respectively; tourism 15.21 crore, 34.99 crore, 47.17 crore and 36.29 crore, respectively; sewerage 2.92 crore, 6.26 crore, 30.61 crore and 11.54 crore, respectively; drainage 20.37 crore, 27.84 crore, 32.31 crore and 67.75 crore,

respectively; housing and urban development 19.38 crore, 39.87 crore, 69.65 crore and 279.4 crore, respectively; and power 516.75 crore, 56.94 crore, 1154.3 crore and 3278.78 crore, respectively.

In contrast, the share of Kashmir in such vital sectors as agriculture was 104.5 crore, 253.17 crore, 380.29 crore and 519.41 crore, respectively; irrigation 136.64 crore, 210.05 crore, 466.72 crore and 365.35 crore, respectively; roads and buildings 247.22 crore, 403.67 crore, 751.03 crore and 1229.24 crore, respectively; health 135.34 crore, 274.45 crore, 390.25 crore and 819.22 crore, respectively; tourism 34.39 crore, 58.01 crore, 109.85 crore and 83.09 crore, respectively; sewerage 6.81 crore, 14.61 crore, 71.42 crore and 35.67 crore, respectively; drainage 47.53 crore, 64.96 crore, 75.41 crore and 1091.61 crore, respectively; housing and urban development 45.23 crore, 93.02 crore, 162.52 crore and 518.88 crore, respectively; and power 775.12 crore, 85.41 crore, 1731.43 crore and 4918.17 crore, respectively.

A single reference to the sales tax realized from Kashmir and Jammu between 1975 and 2007 would also be in order. The Government realized Rs 2474.802 crores from Jammu and Rs 1075.29 crores from Kashmir (J&K Planning Department papers).

Unemployment rate

If the official data is any indication, then it can be said without any hesitation that the share of the people of Jammu province in the crucial employment sector is inadequate. According to the information tabled on the floor of the Assembly in 2007, the unemployment rate in Kashmir was less than 30 per cent. On the contrary, it was as high as 69.75 per cent in Jammu. The people of Jammu province had a very little representation in the civil secretariat, the seat of power. According to the report, which the State Government presented to the Assembly on January 22, 2007, the number of employees from Kashmir, who were working in the civil secretariat, was three times that of Jammu. As for the cold-desert and far off Ladakh, it virtually had no representation in the civil secretariat. Its share was a paltry 12. In other words, the share of Ladakh was just 0.68 per cent.

As per the official report, the number of employees working in the civil secretariat was 1715. These include gazetted, non- gazetted and fourth class employees. The number of gazetted officers was 199. The share of Kashmir was 118 and that of Jammu 81. As for the number

of non-gazetted officers, it was 1041 (767 from Kashmir and 274 from Jammu). The number of fourth class employees was 363. While the share of Kashmir was 256, the share of Jammu was 107.

In other words, the share of Jammu was nearly 44 per cent as far as the gazetted posts were concerned. The share of Kashmir was almost 56 per cent . As for the share of Jammu in non-gazetted positions in the civil secretariat, it was 26.23 per cent. In contrast, the share of Kashmir was 73.67 per cent. Likewise, the share of Jammu as far as the fourth class employees were concerned, it was 29.48 per cent, as against the Kashmir's 70.52 per cent.

That the youth of Jammu has not been given its due share in the employment sector can also be seen from other official figures. The figures from the employment exchanges located in the Kashmir's six districts show that they had till September 2006 registered 35,329 unemployed youth. The position in Jammu province was just the opposite. The Jammu province-based employment exchanges had registered as many as 63,613 unemployed youth. In other words, the number of unemployed youth in Jammu province in September 2006 was nearly two times that of Kashmir.

As for the number of unemployed post-graduates in Kashmir, it was 2,474. Contrast to this, the number of such unemployed youth in Jammu province was 5,421. That means Jammu province had 2,997 more unemployed post-graduates as compared to Kashmir, including Leh and Kargil. Ladakh is part of Kashmir province administratively. As far as the number of unemployed post-graduates in Jammu district was concerned, it was 4,444. In Srinagar district, the number of unemployed post-graduates was only 605. That means the unemployed post-graduates in Jammu district were seven times more than those in Srinagar district. However, the number of unemployed graduates in Kashmir was slightly higher. While in Kashmir the number of unemployed registered graduates was 7786, it was 7250 in Jammu.

The story of neglect of the Jammu district-based technocrats was no less pathetic. There were 8,327 unemployed technocrats in Jammu district. In Srinagar district, the number was 1,511. That means the Jammu district had 7,826 more – over five times more – unemployed technocrats, as compared to Srinagar district. The region-wise break-up was: Jammu 11,861 and Kashmir 6,370 - a difference of 5,491 between the two provinces. Likewise, the total number of registered

unemployed persons in Jammu district was 27,738. In Srinagar district, the number of such unemployed persons was 10,648. In other words, Jammu district had 17,090 more unemployed youth.

The situation continues to remain the same even today. The reason is that the State Government has not done anything in this regard during the past three years. With the result, the unemployed post-graduates and graduates and technocrats organize protest demonstrations at regular intervals in Jammu to attract the attention of the authorities so that they are absorbed in government service.

Disparity in wages

During the days of agitation, one of the issues several political and social groups raised was related to glaring disparities in the wages. They would repeatedly say that the life of the people of Jammu was not one of the political and economic aspirations and that it was just one of toil. They would also say time and again that the people of Jammu were subjects, not citizens, or, at best, the third grade citizens, who were not entitled to those rights and privileges to which those belonging to the Valley entitled. It would be no exaggeration if someone says that the ruling coalition in the state had turned somewhat inhuman.

That the ruling coalition had turned highly discriminatory could be seen from the fact that everyone from Jammu, who was working with the Public Health Engineering (PHE) Department under the Community Participation Scheme (CPS), was getting a monthly wage of Rs.500, as against the monthly wage of Rs.2,100 his Kashmiri counterpart was getting. The PHE, Irrigation and Tourism Minister, Dilawar Mir acknowledged this glaring disparity or gross discrimination against the people of Jammu province while participating in a debate on the grants relating to his departments on January 27, 2007. It was during this debate that certain members belonging to the ruling coalition itself expressed their grave concern over the manner in which the State Government had been treating the people of Jammu province. One of the members even went to extent of asking: "Should the youth of Jammu take to the gun in order to obtain justice?"

When grilled, the said minister said that he needed a sum of Rs. 46 crores in order to meet the demand of the Jammu-based workers, who were working under the CPS. (Their number ran into thousands.)

It also became clear from the discussion that the government had already paid full wages to such workers in Kashmir.

It needs to be recalled that the wages of the employees working under the CPS were the same throughout the state. Every worker was getting a monthly wage of Rs. 500. It was only in 2006 that the State Cabinet revised the wages of such employees. The decision was: Each employee working under the said scheme would get a monthly wage of Rs 2,100. It was indeed a good decision considering the prevailing price situation. The State Government did implement this decision but only partly. It was enforced in Kashmir alone, thus leaving such employees in Jammu high and dry. Their wages remain the same even today.

Admission policy

The people of Jammu province have consistently complained that their share in the state's professional colleges, including medical and dental colleges, is negligible and that there is an urgent need to revise the existing admission policy. Their complaint cannot be overlooked. A scrutiny of the MBBS/BDS selection lists of the last 27 years reveals that the Jammu's share in the state's medical colleges dwindled from 60 per cent in 1990 to 52 per cent in 1991 to 38 per cent in 1994 to 36 per cent in 1995 to 20 per cent in 1997 to 17 per cent in 1998. In 1995, the share was 41 per cent (*Report of the Committee set up by the Government of Jammu and Kashmir*, January 13, 1999, P. 4). Between 1998 and 2008, the share of Jammu in these colleges remained almost the same, and sometimes even less. During the agitation days, several Jammu-based political groups demanded implementation of the Singhal Committee report, but nothing came out of their efforts.

It is important to note that the politics of Jammu versus Kashmir surfaced again and again during those days. One of the demands raised repeatedly by political parties like the BJP and JSM (P) and student organizations, including the ABVP, was that admission to the professional colleges in the state should be made in accordance with the recommendations of the officially-constituted Singhal committee. The Government of Farooq Abdullah had rejected this report in 1999 on the ground that there could not be two competent authorities in one state. Obviously, he overlooked the Maharashtra and Karnataka models. One of the recommendations of the Singhal committee was that

admission in the state's medical and engineering colleges be made in accordance with the 1969 Jammu and Kashmir Universities Act, which had been enacted solely to mollify the Jammu's agitating student community. The 1969 Act, which is in force even today, provides for admission in the universities on a regional basis (*Ibid.*, PP. 20-21).

Administrative units

The story of matters relating to administrative units, road connectivity and power generation is also not very different. According to the Wazir Commission report of 1983, Jammu deserved 10 districts and Kashmir 7 (*Report of the Commission for Rationalization of Administrative Units*, December 1983, PP. 12, 61, 214, 362). But the Congress-led Government in the state bypassed this recommendation and increased the number of districts in Kashmir with one stroke of pen from the existing 6 to 10 in 2007, one each for 1585.3 sq km on an average, with a couple of districts just one-tehsil district (for example, Shopian). The State Government created 4 more districts in Kashmir despite the fact that there was no such demand anywhere in the Valley. It also increased the number of districts in Jammu from 6 to 10, but one each for 2629.3 sq km. The people of Jammu, who fought for more districts between 1975 and 2007 and laid down half a dozen lives for this cause, wanted the State Government to implement the Wazir Commission recommendations in letter and spirit. But the State Government implemented the report in a wrong way, saying it believed in the "principle of justice and equity" overlooking the fact that Jammu had more land area, major portion of which was inaccessible.

The people of Jammu region had hoped that the Congress-led dispensation would treat all the three regions of the state equally. The hope had stemmed from the fact that the Congress had contested the last Assembly elections in the state on four Jammu specific planks — implementation of the Wazir Commission report and creation of three additional districts in Jammu and one in Kashmir, establishment of regional development board, due share to Jammu in the Assembly and end of discrimination (*Election Manifesto*, 2002). But this did not happen. What happened was to the contrary. Take, for example, the July 6, 2006 Cabinet decision on the creation of new districts. The July 6 decision proposed to create an equal number of districts in Kashmir and Jammu — 4 districts each - despite the fact that there was no demand

whatever in Kashmir for additional districts - a fact acknowledged by the Chief Minister on the same day while interacting with the media persons. The State Government implemented the decision despite bitter opposition in Jammu.

The Srinagar district in Kashmir, which had a land area of 2,228 sq km and which consisted of 168 villages, was divided into two districts — Srinagar and Ganderbal. Contrast to this, Jammu district, which had an area of 3,079 sq km and consisted of 1,054 villages, was left high and dry, nothing withstanding the creation of Samba district out it. It is important to note that Jammu district was far more superior to Srinagar district in terms of population and land area, including the balanced area. For instance, the population of Jammu district, according to the 2001 census, was 15,71,911, as against the Srinagar district's 11,83,493. As for the balanced area (where developmental activities could be undertaken), it was 1, 882 sq km in Jammu and 1,537 sq km in Srinagar.

Similarly, the erstwhile Pulwama district in Kashmir, which had an area of 1,398 sq km and balanced area of 315 sq km and which consisted of 536 villages, was divided into two districts — Pulwama and Shopian. On the other hand, Kathua district in Jammu province, which had a land area of 2,651 sq km and balanced area more than five times that of Pulwama and which consisted of 555 villages, was left untouched. The balanced area of Pulwama and Kathua districts was 315 sq km and 1,616 sq km, respectively. Hiranagar tehsil in Kathua district was bigger in size as compared to the erstwhile Pulwama district.

Besides, Srinagar city, which was way behind Jammu city in terms of population and area, was divided into two tehsils - Srinagar North and Srinagar South - with river Jhelum as the dividing line. On the other hand, Jammu city, through which River Tawi passes, was left untouched. It would be appropriate to point out here that while Jammu Municipal Corporation consisted of 71 wards, the Srinagar Municipal Corporation consisted of 65 wards.

Power generation

In 1947, the total installed capacity of power stations in Jammu and in Kashmir Divisions was just 4 MW, which rose to 55.64 MW in 1967. Jammu produced over 26.39 MW and Kashmir 24 MW. In Ladakh, the installed capacity was just around 4 MW. From 1967 to

1996, the installed capacity in Kashmir stepped up very sharply from 24 MW to 335.36 MW. Compared to this, the installed capacity in Jammu during the same period rose only marginally from 26.39 MW to 48.54 MW. In Ladakh, the installed capacity rose to 16.48 MW. In other words, the installed capacity in Jammu and Ladakh increased by 83 per cent and 213 per cent respectively, as against 1,297.33 per cent in the Valley.

The data on installed power capacity in terms of percentage share of different regions between 1967 and 1996 further reveals fast growing inter-regional disparities. In 1967, for example, out of the total installed capacity of 55.64 MW in the state, the share of Kashmir was 43.13 per cent, Jammu's 47.43 per cent and that of Ladakh 9.44 per cent. But by 1996, the scenario underwent a total change and to the advantage of Kashmir. This can be seen from the fact that while the share of Kashmir in 1996 was 84 per cent, that of Jammu and Ladakh was a paltry 12 per cent and 4 per cent, respectively. Chenani in Jammu Province is, it needs to be noted, the only State Power Plant with an installed capacity of 25 MW. The remaining State Power Plants with an installed capacity of 335.36 MW are in the Valley. These include Upper Jhelum, Lower Jhelum, Mohra, Ganderbal, Upper Sindh. Besides, there are a number of gas turbines in Kashmir, which also cater to the needs of its people. On the other hand, the Kalakot Thermal Plant in Jammu has been virtually closed down.

Road connectivity

Roads are the lifeline of any region or any state. No one can expect its development without a proper road network. The figures as contained in the *Report of the Task Force on development of Jammu and Kashmir* show the extent to which the State Government has ignored Jammu in this very vital sphere. This Task Force was constituted by Prime Minister Manmohan Singh in 2006. According to it, the total road length in Kashmir in 2006 was 7129 kilometers. In contrast, the road length in Jammu was 4571 kilometers. In other words, the road density km / sq km in Kashmir and Jammu was 310.4 and 138.7, respectably. It's no wonder that most of the towns and villages in the Jammu's mountainous and hilly areas are inaccessible.

Take, for example, the startling story of road connectivity in Jammu province as revealed by the Task Force. It revealed that the

erstwhile Doda district in Jammu province, which had a land area of 11,691 sq km, had road length of 613 km. This means that per sq km road density in Doda district to which former Chief Minister, Ghulam Nabi Azad, belongs was just 5.2 km. In Poonch district, the per sq km road density was 13 km as it had a land area of 1,674 sq km and road length of 217 km. As for erstwhile Udhampur district, the per sq km road density was 15.8 km as it had an area of 4,550 sq km and a road length of 719 km. In Rajouri district, the per sq km road density was 19.4 km. This district had a land area of 2,630 sq km and road length of 511 km. As for Kathua district, it was 29.5 km. Kathua had an area of 2,651 sq km and road length of 782 km. The erstwhile Jammu district was somewhat lucky. Here the per sq km road density was 55.8 km. The land area of Jammu district was 3,097 sq km and the road length 1,729 km.

All this shows neglect of Jammu province in the sense that the per sq km road density in this province, which contributes more than 70 per cent revenue to the state exchequer every year, was as low as 5.75 km. The position of Ladakh was even worse. Here the per sq km road density was 3.7 km. It may be noted that the Leh and Kargil districts had land areas of 45,110 sq km and 14,036 sq km and road length of 1,164 km and 676 km, respectively.

On the other hand, in Kashmir, the per sq km road density was as high as nearly 49 km in 2006, as against the Jammu's 5.75 km and Ladakh's 3.7 km. It is not an exaggeration.

The erstwhile Anantnag district had a land area of 3,984 sq km and 1,328 km of road length. That means that per sq km road density in this district was 33.3 km. In the erstwhile Pulwama district, the per sq km road density was 62.8 as it had 1,398 sq km area and 878 km road length. The per sq km road density in the erstwhile Srinagar district was 64 km. It had a land area of 2228 sq km and road length of 1425 km. Budgam district, like Pulwama and Srinagar districts, was highly privileged. In this district the road density per sq km was as high as 81.8 km as it had an area of 1,371 sq km and road length of 1,122 km. As for erstwhile Baramulla and Kupwara districts, the per sq km road density was 33.9 km and 34.6 km, respectively. The Baramulla district had 4,588 sq km of land area and 1,553 km of road length and Kupwara district 2,379 sq km of land area and 823 km of road length. (*Development of Jammu and Kashmir Growth Generating Initiatives*,

Government of India, New Delhi, November 2006, p. 14). It needs to be noted that both these districts were basically ethnically non-Kashmiri.

But the story of Jammu's complaint that the State Government, in pursuit of its political and economic policies, has all long been directed by the interests of the Valley does not end here. Statistics on the tourism development, educational institutions, healthcare centers, schemes of public utility, canals and bridges and so on all indicate colossal regional disparities. It can be said without any hesitation that the powers-that-be in the state have made invidious distinctions between Kashmir and Jammu at all levels and in every sphere.

The Jammu-based political parties, barring the Congress, and almost all social groups and the Bar Association Jammu raised all these and several other similar issues between June and August 2008. Their refrain always was that the issues of Amarnath land and discrimination were the outcome of the Valley leadership's belief in a regressive, intolerant and non-inclusive ideology and its desire to strengthen its stranglehold over the state's two other regions. All these formations supported the SAYSS to the hilt. At the same time, each one of them contributed to the success of the agitation in its own way evolving and using its own methodology. Each one of them demanded for their region equal respect, status and rights. And, each one emphasized the need to controvert the pernicious influence of communal and separatist ideology and work for the promotion of an all-inclusive, nationalist and secular ideology.

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CHAPTER – IV

ROLE OF BJP, CONGRESS, NON-RSS GROUPS

The movement in Kashmir against the land transfer order, coupled with violent attacks on the pilgrims and tourists, was bound to provoke strong protests in Jammu province and it did. The people of Jammu had hoped that the State Government would finally see reason and not submit to the separatists' pressures. But all their hopes dashed to the ground on July 1, when the minority government revoked the land transfer order. All this ended the patience of the Jammu-based political parties, social groups and professional associations, especially the BAJ. The attitude of the Congress as a party and similar other organizations was totally different. Its attitude was on expected lines. It had no independence to act on its own. In fact, it had no other option but to operate within the parameters set by the party high command in New Delhi. The Jammu-based NC and PDP leaders also remained in hibernation during the period of agitation. They ventured out of their shells only after things in Jammu got settled down and people resumed their normal activities entertaining the feeling that they had won the battle of ideology and that they had shown the nation the right path. But leading political commentators like Kanchan Gupta and A. Surya Prakash had also entertained almost a similar impression. While Kanchan Gupta had compared the agitation in Jammu with the Palestinian "intifada", A. Surya Prakash had written "To save India, follow Jammu" (*The Pioneer*, August 5 and 26, 2008).

As mentioned in the first chapter, the BJP took the lead. The BAJ and the JKNPP took the plunge a little later. The Panun Kashmir and several other organizations of the displaced Kashmiri Hindus too jumped on to the bandwagon of the SAYSS, but their whole approach, unlike others, was purely ideological. The Congress, which had been on the receiving end in Jammu, found itself in a precarious situation as the events in Jammu compelled a section of the party to tread a path

different from that of Ghulam Nabi Azad and his Cabinet colleagues Mangat Ram Sharma, Gulchain Singh Charak, Mula Ram, Jugal Kishore Sharma at el.

BJP

The state unit of the BJP, unlike the Congress, was quite fortunate in the sense that the party high command in New Delhi had allowed it full freedom to act in the manner it liked during the days of the agitation. The reasons were obvious and the most important one was the belief of the party high command that the Amarnath land issue, if handled properly, would not only help it consolidate and expand its constituency in Jammu province, but would also greatly help the party at the national level during the general elections. So much so, it never questioned the rationale behind the independent role the local party leaders played during the agitation despite the June 30 unambiguous decision that the BJP would not undertake any activity on its own and that it would only operate under the umbrella of the SAYSS.

The most significant aspect was that the central BJP leaders, including Rajnath Singh, Venkaiah Naidu and Arun Jaitely, used to discuss matters relating to the agitation with the local party leaders at regular intervals. The purpose was to update their knowledge about things happening in Jammu and elsewhere in the state. Besides, BJP national spokespersons like Ravi Shankar Prasad, Rajiv Pratap Ruddy and Prakash Javadekar would always take the local BJP leaders into confidence before meeting media persons in Delhi. They would discuss things with them because they were the men on the spot; because they knew everything. In short, there was perfect understanding between the national and local BJP leaders. They worked in unison.

At the national level, the BJP, apart from participating in the VHP-sponsored programmes, held a few protest demonstrations in several parts of the country. One of its major successes was the three-day nationwide protest from August 11(*Daily Excelsior,* August 12, 2008). In between, L.K. Advani met the Prime Minister and urged him to settle the Amarnath land row. He met him in New Delhi on August 1 (*Kashmir Times,* August 1, 2008).

However, of all the activities which were undertaken by the BJP at the national level to make the agitation in Jammu a success, the Bharatiya Janata Yuva Morcha rally, organized at Ram Lila Ground,

Delhi, on August 9, was quite significant because this date is very important in the history of Indian freedom struggle. On that day, in 1942, Mahatma Gandhi had launched Quit India Movement and given the call of "do or die".

Addressing the huge rally, L. K. Advani said: "The anti-Hindu mindset is behind Jammu violence" and asked, "what is the identity of Kashmir? Is it not a part and parcel of India?" "The argument" that the land allotted to the SASB for constructing temporary structures for pilgrims would change the demography of Kashmir "is ridiculous. The fact is that the Congress-led UPA Government has surrendered before the anti-national powers". He "congratulated the people of Jammu" and described them as "nationalists". He strongly urged them to "save their honour" and told the massive gathering at the Ram Lila Ground that "to tolerate injustice is cowardice..." (*Daily Excelsior*, August 10, 2008).

The message of L. K. Advani was loud and clear: The movement in Jammu was the second freedom movement in the country. It can be said that all the activities of the BJP high command at the national level and speeches made or statements issued by leaders like L. K. Advani at regular intervals were aimed at achieving two goals – prove that the Congress-led UPA Government was nothing but a rabidly anti-Hindu and pro-radical Islamists dispensation and enable the party to win the 2009 general elections. The resolution, which was adopted by the national office bearers of the party at New Delhi on August 18, 2008, should leave no one in any doubt that the BJP had made up its mind to draw political mileage out of the Amarnath land issue and paint the Congress and the UPA Government black. The resolution – apart from reiterating its demand for the recall of Governor N. N. Vohra – said that "the Congress party has a proven history of mishandling matters pertaining to Kashmir"…and that it and the government it was heading had "surrendered before the separatists" (*Kashmir Times*, August 19, 2008). The target was clear and the target was the Congress, its principal political rival.

It needs to be noted that the demands put forth by all the central BJP leaders during the days of agitation used to be the same. The most notable were: Abandon "pseudo-secular" policies, rein in anti-national forces, abrogate article 370, restore the Baltal land to the SASB and

preserve its sanctity, recall Governor N.N. Vohra, end discrimination against Jammu, give political power to Jammu province and set up a delimitation commission for delimiting Assembly constituencies in the state de novo.

However, it was the demand for delimitation commission which evoked a very adverse response from the Congress. Rejecting outright the former BJP national president M. Venkaiah Naidu's stand seeking fresh delimitation of Assembly constituencies, Congress national spokesperson Abhishek Manu Singhvi said "the main opposition party has exhibited its utter political irresponsibility by raising the issue when the state continues to be tense and volatile. It shows its utter callousness" (*Daily Excelsior,* August 14, 2008). The Congress media department chief and former chairman of the administrative reforms committee, M. Veerappa Moily, had even gone to the extent of accusing the BJP of reviving the stand "which was taken by L.K. Advani on dividing Jammu and Kashmir into three states when he was the Deputy Prime Minister…" and that "the BJP is threatening unity of India" by raking up the issue of delimitation. He further said that "the rumour mills of both the BJP in Jammu and the Hurriyat and separatists in the Valley have converged to threaten the unity of the country" (*Rising Kashmir,* August 23, 2008)

It needs to be emphasized that L. K. Advani had at no point of time during his political career supported the idea of trifurcation. In fact, he was the greatest opponent of this idea. L.K. Advani had, it bears recalling, described the demand of trifurcation as a "prescription worse than the disease" and he had said so in Lucknow immediately after the formation of the Jammu State Morcha in July 2002. It was because of his opposition and the opposition of Arun Jaitley that the RSS, which adopted a resolution at Kurukshetra in the first week of July 2002 suggesting the status of statehood for Jammu, had to disband the Jammu State Morcha, which it itself floated just before the 2002 Assembly elections for spearheading movement aimed at achieving for Jammu region the status of a full-fledged state. The RSS disbanded the Jammu State Morcha just before the 2008 Assembly elections. Besides, it needs to be underlined that the attack of Veerappa Moily on the BJP was unwarranted. The BJP had simply suggested that a delimitation commission should be set up. There was nothing wrong

in this suggestion. Delimitation of constituencies after every census is a constitutional requirement. The demand put forth by the BJP, like most of the Jammu-based political groups, was all the more reasonable and just because the NC Government had amended the Constitution of Jammu and Kashmir and the amendment was to the effect that delimitation of Assembly constituencies would take place only after 2026. This amendment, in effect, means delimitation of constituencies only after the 2031 census.

However, to refer to the highly questionable opposition of the Congress to idea of setting up of a delimitation commission in the state does not mean that the Congress had appreciated other demands of the BJP. The attitude of the Congress to other demands put forth by the BJP was equally hostile. The only difference is that it did not react to these demands at that particular point of time.

The role of central BJP leaders in Jammu was rather limited. It was limited in the sense that some of the high-ranking BJP leaders would visit Jammu from time to time, discuss the situation with the local party leaders and ascertain their views, hold press conferences and visit hospital to meet those injured during clashes with the oppressive police. They would also meet the local RSS leaders and convener of the SAYSS and his team of office-bearers. Besides, they would visit the residence of Kuldip Verma to meet the members of the bereaved family, including his wife Shilpi Verma and two small children. All these visits were aimed at conveying an impression that the BJP was with the people of Jammu in their hour of grief and that it shared their sentiments.

Rajnath Singh, along with Arun Jaitley, visited Jammu on July 5. The latter again visited Jammu on August 2, the day he was detained by the police for sometime. Arun Jaitley's August 2-3 Jammu visit was significant for two reasons. One was that he violated the curfew and the other was that he addressed a very impressive rally at Hari Mandir, Rehari Colony, with hundreds of helpless army and paramilitary force personnel watching everything as mute spectators (*Kashmir Times; Daily Excelsior*, August 3, 2008). The people of the area organized this rally knowing full well that certain army officials had candidly told the organizers that any attempt on their part to violate the curfew and hold rally would compel them to open fire. Arun Jaitely

knew everything. But he kept his commitment and addressed the emotionally surcharged gathering of hundreds of people. The crux of his whole speech and the press conference he addressed earlier in the day was that "we support the Jammu agitation as it has now become people's movement. The agony, which the people were facing since years, has finally brought them out of their houses to fight for their rights. Agitation is the outcome of years' long discrimination with the people of Jammu..." (*Kashmir Times,* August 3, 2008).

Other central BJP leaders who visited Jammu included S.S. Ahluwalia, Dharmendra Pradhan and Santosh Gangwar and the president Mahila Morcha, Kiran Maheswari, and Sangeeta Singh Dev (all MPs). While Ahluwalia, Pradhan and Gangwar visited Jammu on July 30, Maheswari and Dev visited Jammu on August 1. Kiran Maheswari and Sangeeta Singh Dev were quit upset. The reason was their encounter with PDP president Mehbooba Mufti at the Jammu Airport. When asked by Maheswari if the police atrocities on women protestors were justifiable, Mehbooba Mufti shot back saying "they (women) did wrong". The same day Maheswari and Dev met media persons at the party headquarters and revealed what happened during the airport encounter and held out a categorical assurance that they would "approach the National Human Right Commission and National women Commission" and "demand adequate compensation for those injured during police action. (*Early Times,* August 2, 2008). It can be authoritatively said that neither Maheshwari nor Dev, or for that matter any other BJP national leader, took up the matter with any of these two commissions.

Anyway, taking full advantage of this liberty, local BJP leaders, particularly, Ashok Khajuria and his spokesman, launched a full-scale campaign against the authorities in the state and in New Delhi, as also against the Congress, the PDP, the NC and separatists of all hues. Their campaign continued unabated up to August 15. The opposition of some of the members of the larger core group to the activities of the BJP had no impact whatever. Their opposition was based on the ground that the BJP was part of the SAYSS and, hence, it had no right to act independently of the SAYSS. Significantly, the RSS *Pranatiya Pracharak*, Arun Kumar, and the RSS representative in the local unit of the BJP, Ajay Jamwal, were happy with the performance of Ashok

Khajuria and his team of office-bearers. They stood solidly behind them.

It may be mentioned that the campaign unleashed by the state BJP had developed two basic strands. The first had its sharp focus on the Kashmiri leadership's ideology. It would counter it by advancing pithy and definite ideological arguments and establish that whatever was happening in the state was the fallout of a clash between two diametrically opposite ideologies – one secular and nationalist and the other communal and separatist. The second had its focus on the discriminatory policies pursued by the successive Kashmiri-dominated governments in the state. It would always base itself on arguments interspersed lavishly with official statistics, thus evoking applause from the general masses and enjoying favorable press.

The BJP headquarters had, it needs to be noted, virtually become the second house of local, national, and even some international media persons, including those representing BBC and *Washington Post*, because it was the BJP, and not the SAYSS, which had given a definite shape to the aspirations and hopes of the people of Jammu. It was the BJP which, unlike the SAYSS, was giving an ideological orientation to the agitation. The BJP used to meet media persons almost everyday at 12 o'clock at the party headquarters, where it used to issue very lengthy statement containing its views on the prevailing situation, as also its counter arguments. It had set up a free kitchen within the premises of its office. Everyone, including media persons and party leaders, used to have lunch there. The BJP had not set up this kitchen as an attraction for media persons. It had done so because the authorities had imposed curfew for an indefinite period. It would be no exaggeration to say that most of the media persons used to sit in the BJP headquarters for most of the time everyday and that the relations between them and the party leaders were very cordial. The movement started by the BJP on occasions also appeared quite radical. For, instance, it threatened "economic blockade" on three occasions – a threat which was exploited to the hilt by the Kashmiri mainstream and separatist leaders and the Kashmir-based print and electronic media to foment more anti-India troubles in Kashmir. That the movement launched by the BJP had developed over the days a radical strand could also be seen from the Ashok Khajuria's two-day ultimatum to the

"followers of Syed Ali Shah Geelani" to quit Jammu or face serious consequences. He gave this ultimatum twice, first on July 24 and then on July 28. The immediate provocation was the Omar Abdullah's July 22 parliament statement and the propaganda in Kashmir that the State Government was disturbing the Kashmir's ecology, degenerating and polluting its environment by allowing certain vested interests and organizations to use the forest land and trying to change the demographic profile of the Valley.

Giving this ultimatum on July 24, Ashok Khajuria – apart from dismissing Omar Abdullah as "Jinnah" a day earlier (*Hindustan Times,* July 23, 2008) — had asked what he called the "Kashmiri touts" of the NC, the PDP and the APHC and the followers of Syed Ali Shah Geelani to "leave Jammu with immediate effect". His specific charge was that "these touts have occupied forest land at different places in Jammu and constructed houses on it" (*Kashmir Times; Daily Excelsior; Indian Express; Hindustan Times,* July 25, 2008). It was, however, on July 28 that he came out with a lengthy statement containing details on the forest land occupied by the various Kashmiri leaders in the Jammu's Sunjwan, Bathindi and Sidhra areas. He revealed that a number of Kashmiri leaders had "encroached 1600 kanals of forest land in Sunjwan and Bathindi.

Justifying his ultimatum, he further revealed that the "committee constituted by the Government of Jammu and Kashmir on August 11, 1988 (in this regard) was to submit its report within one month, but that report never came because of the pressure of those involved in land grabbing". He went on to say that the "government had also acknowledged in the Assembly in March 1997 that encroachments in compartments 1, 2, 3, 4, 5, 6 and 7 of the Bahu Range have taken place" (*Daily Excelsior,* July 29, 2008). The upshot of his whole argument was that those opposing the Jammu movement on the ground that the Baltal land was a forest land had no right to live on the Jammu's forest land.

The allegation levelled by Ashok Khajuria was not baseless. A perusal of official records does show that thousands and thousands of kanals of forest land in Jammu and its outskirts had been illegally occupied by certain Kashmir-based politicians and others. The letter No. 5527, dated March 22, 1997, written by the Divisional Forest

Officer, Jammu Forest Division, Jammu, to the Conservator of Forests, East Circle, Jammu, does support the contention of Ashok Khajuria. This letter was circulated among the legislators in the Assembly the same year. It was done because one BJP MLA, Chaudhary Piara Singh, had asked through his question No. 685 "is it a fact that certain individuals had encroached upon some forest land in the Bathindi and Sunjwan areas?"

That the charge of Ashok Khajuria was based on facts, and not on heresy, can also be seen from what *The Kashmir Times* wrote on June 11, 1997. *The Kashmir Times* had asserted, and rightly, in its editorial "*Illegal constructions*" that "not only the influential persons have managed to raise illegal constructions in the city but thousands of kanals of forest, revenue and other government land has been encroached upon by influential persons, including politicians, ministers and former ministers, political activists, bureaucrats, senior police officers and businessmen in the city's outskirts. The entire forest land from Tawi Bridge to Narwal Bal (falling) under (the) erstwhile Bahu Rakh and over 100 square kilometers of Sunjwan forest area from Narwal Bal to Sunjwan has been encroached upon by politicians, bureaucrats and other influential persons".

It is significant to note that the quit Jammu ultimatum was not only denounced by the Kashmiri leaders of all shades of opinion, but also by *The Kashmir Times* (July 31, 2008). Its editorial "Selective war against encroachments" did endorse the charge of Ashok Khajuria, but at the same time accused him and his party of targeting the followers of a particular community.

The Kashmiri leaders' formulations on the forest land were ill-conceived, communally-motivated and provocative. The radical stand of the BJP needs to be viewed in this context. At the same time, if one really wishes to know the real story of encroachment of forest land in Jammu, one should read *The Kashmir Times* of August 22, 1981; May 24 & August 6, 1986; April 13, 1987; and August 12 & September 8, 1988. Such an exercise would help understand the nature of change in the attitude of this Jammu-based daily towards the politicians opposing such encroachments of the forest land. *The Kashmir Times* supported each and every view expressed by the Valley-based leaders during the agitation in Kashmir and the movement in Jammu.

The three-part article "Saffron agenda in Jammu", written by *The Kashmir Times* owner/Executive Editor, Anuradha Bhasin Jamwal, commented: "The popular sentiment was anti-Kashmir and anti-Muslim, fed by myths that Hindu land had been taken away by the Muslims, which the Sangh Parivar had so cleverly perpetuated" (*Kashmir Times*, April 13, 2009). It needs to be noted that not a single person in Jammu had ever talked in terms of the Hindu land or the Muslim land. The extent of the paper's contempt for the massive mass upsurge in Jammu becomes all the more evident when Anuradha Bhasin Jamwal writes: "Azad's remarks on the day the land transfer order was cancelled – that the agitation in Kashmir is over, a non-issue – itself legitimized the agitation in Jammu for revoking the cancellation of the previous order i.e., restoring the land back to the SASB. Virtually, the government had no story to tell. Or, it didn't want to. But the media had, especially the local electronic channels, without any exception, in Jammu. They ran almost a round-the-clock 'soap-opera', projecting unknown figures of the saffron brigade mouthing their propaganda, raising slogans or burning effigies. The meager protests being held in small *mohallas* were getting almost a live telecast. These were the only voices people heard and their only source of information, rather disinformation" (*Ibid*). It is hardly necessary to reflect on the meaning of what she wrote as all of her formulations are self-explanatory.

The threat of economic blockade and quit Jammu ultimatum were two of three somewhat radical stands which the BJP state president took during the days of agitation. The third was his demand for Jammu's political empowerment. He took this stand at the behest of Arun Jaitley on July 10. Addressing media persons, he stated: "Jammu was oppressed, humiliated and ignored during the past 60 years by the successive Kashmir-dominated governments in all spheres, but the role played by the NC, the PDP and the Congress in the Shri Amarnath land row has created such an upsurge across Jammu province that the people have decided not to tolerate the status of an inferior region of the state anymore. Jammu is now determined to fight for political power and to get rid of Kashmiri leaders' dominance once for all. Political power for Jammu is imperative for the economic development and for bringing an end to the political and economic discrimination. Political power for Jammu is now the BJP's roadmap for the coming state

Assembly elections and this aim can be achieved when nationalist people of this region don't divide their votes. The people must throw out Jai Chands and Mir Jaffars who divide their votes and then proxy for Kashmir's subjugation of Jammu. Let the coming Assembly election end the politics when 'we divide and they rule'. If Jammu votes in one direction and refuses to get divided, nobody can take the people of Jammu for granted. This is the key to political power for Jammu" (*Daily Excelsior; Kashmir Times,* July 11, 2008).

The slogan of Jammu's political empowerment as given by the state unit of BJP had its impact on the people. In fact, the slogan added to the enthusiasm of those who had till then struggled for the Jammu cause but achieved nothing. Not a single day passed when one or the other Jammu-based political groups or social formations did not suggest the political empowerment of Jammu as the only viable solution to the Jammu problem. The widespread support for the slogan only served to increase the level of confidence of the BJP leadership, both central and local. Such was the level of confidence that while Arun Jaitley would repeatedly tell the local party leaders that the party would win the Assembly elections in Jammu province hands down and would turn the tables against the Congress in the general elections, the BJP state president would assert day in and day out that the "party this time would win 20 to 25 Assembly seats".

The view of Arun Jaitley was that "till a few weeks ago, we thought that the Congress will lose power over a number of issues such as inflation, farmers' suicides, a soft stand against terrorism, bad alliance partners, etc. Each of these issues was big enough to pull down the Congress government. However, all of them have now taken a backseat and the Amarnath issue has taken centre-stage...This (agitation over land in Jammu) is the region's biggest democratic struggle in the history of independent India. In fact, it is also bigger than the pre-independence movement under Mahatma Gandhi's leadership" (*Amar Ujala; Times of India,* August 23, 2008). He had made this statement in Mumbai while addressing a public meeting.

The assessment of Arun Jaitley and local BJP leaders was correct to a considerable extent. The prevailing widespread disappointment, dissatisfaction and resentment among the people of Jammu all indicated that they, especially the Hindus, who constitute nearly 70 per cent of

the region's population and dominate 25 of the 37 Assembly constituencies, might turn to the BJP. Another indication was the prevailing widespread anger and resentment against the Congress, the NC and the PDP. What had created conducive atmosphere for the BJP was the extensive coverage it was getting both in print and electronic media because of its sharp and timely interventions, as also because of its clarity on the issues facing the people of Jammu province. It is important to note that between July 1 and August 15, the state unit of BJP meticulously scrutinized each and every statement issued by the Congress national spokespersons and Kashmiri leaders of all hues and did all that it could to call the others' bluff and put things in perspective.

During these 45 days, the state BJP not only took the opponents of Jammu agitation head on, but also repeatedly denounced Governor N.N. Vohra and demanded his dismissal. The BJP was of the view that the Congress had appointed N.N. Vohra as Governor in order to facilitate the task of "Islamic fundamentalists" and "divide Jammu and Kashmir on religious lines". It was also its well-considered view that the continuation of Governor N.N. Vohra in the state even for a day was "detrimental to the paramount national interest in Jammu and Kashmir" (*Indian Express,* August 6, 2008). The BJP had taken this line on the ground that the Governor's administration was responsible for engineering opposition in Kashmir to the land transfer, as also on the ground that his administration did not take any action against the Srinagar-based papers, which were publishing anti-pilgrimage articles. Some of these articles had, it may be noted, described the pilgrimage as a "monstrous phenomenon and a political ghost to engulf and overwhelm Kashmiri Muslim identity". The BJP's specific charge was that the Governor's administration had given unbridled freedom to the rabidly anti-India and extremist organizations like Jamait-e-Islami and Dukhtaran-e-Milat to mobilize public and preach communalism and separatism (*Ibid.,* August 13, 2008). Yet another charge of the BJP against Governor N.N. Vohra was that his administration only "stirred up to action when there were motivated and false complaints of economic blockade of Kashmir" (*Jammu Jotting,* August 13, 2008).

One may or may not appreciate the BJP's stand on Governor N.N. Vohra, but one cannot avoid the conclusion that its charges against the constitutional head of the state were well-founded. Governor Vohra'a

actions did convey that his attitude towards the BJP was different from the one he had adopted towards the NC, the PDP and the CPI-M, which had on several occasions described the mass movement in Jammu as "divisive and communal" and the "anger in the Valley as an expression of humanitarian needs which the economic blockade has created" (*Ibid*). Similarly, it cannot be denied that his role as the interlocutor of the Union Government for the internal dialogue was not very impartial. The manner in which he sided with Wajahat Habibullah during the meeting of the working group on centre-state relations in New Delhi had established that he, like the Chief Information Commissioner, was interested more in meeting the aspirations of the votaries of freedom, greater autonomy and self-rule and that he did not regard the people of Jammu as an important factor in the state's political situation.

Surprisingly, the BJP remained virtually dormant and devoid of any activity between August 16 and 23, 2008. The reason was that the then *Khsetriya Pracharak* of RSS, Dineshji, had applied brakes. His counsel that baffled many was: "It would be better not to react". He made this suggestion when one of the party's media managers drew his attention to the August 23 report in the *Greater Kashmir* that "two trucks full of swords have reached Lakhanpur and they (BJP and Sena activists) are waiting to strike" or they would use these swords to massacre the Gujjar Muslims and that there was the need for a proper rebuttal of the allegations. By August 15, the attitude of BJP general secretary (organization), Ajay Jamwal, had also undergone a change. This change in the attitude was vividly reflected when he started interfering in the day-to-day working of the party's media managers. He had started asking as to what content their statements contained. It was something very unusual. It was not his job. He had never done so in the past. Rather, he had all along appreciated the role of media managers. The application of brakes by Dineshji and interference of Ajay Jamwal were signals that their masters in Delhi were softening their stand on the situation. Why? It is a riddle.

The BJP mustered some courage only after August 23. The immediate provocation was the Congress national spokesperson Abhishek Manu Singhvi's scathing attacking on the BJP and his statement which did not overrule the possibility of Kashmir becoming independent of India. But the BJP took 6 long days to express its pent

up feelings. In other words, it was on August 28 that the BJP leaders met media persons and launched a bitter attack on the Congress national spokespersons Abhishek Manu Singhvi, Jayanthi Natrajan and Munish Tiwari, Prime Minister Manmohan Singh and Governor N.N. Vohra.

What had always provoked the local BJP leaders to direct their ire against the Congress spokespersons were their comments on the role of the BJP in the agitation and on the origin of agitation in Jammu. For example, while Abhishek Manu Singhvi had on occasions more than one accused the BJP of playing a "negative role" in the movement to "fish in troubled waters", Jayanthi Natrajan and Munish Tiwari had consistently maintained that the Jammu agitation was based on "falsehood and lies".

But these were not the only statements which had provoked the state BJP to take on and rebut the charges levelled by Singhvi, Natrajan and Tiwari. They had made several other similar statements in the immediate past, some of which were derogatory and essentially separatist-friendly. For instance, while Natrajan's and Tiwari's statements had equated the "SAYSS" with the "APHC" or equated the agitation in Jammu with the separatist movement in Kashmir, Singhvi's August 23 statement did not rule out the idea of Kashmir getting independence from India. Singhvi had, it may be recalled, told the NDTV 24X7 anchor that "this is not the appropriate time as the state is burning and that the ideas of freedom for Kashmir or autonomy for Kashmir could be discussed at a later date". The NDTV anchor had asked Singhvi if the suggestions (independence, autonomy and self-rule) put forth by Mirwaiz Umar Farooq, Omar Abdullah and Mehbooba Mufti could be considered (*Early Times,* August 29, 2008). As far as the Prime Minister was concerned, the BJP had taken exception to the move on his part to send a letter to JKLF leader Yasin Malik asking him to call of fast-unto-death. This letter had been delivered to Yasin Malik by the Prime Minister's emissary, who had flown from Delhi to Srinagar for the purpose (*Jammu Jotting,* August 13, 2008).

The BJP had its own justification. It countered all the charges levelled by the Congress spokespersons saying that "being a responsible largest opposition party it is its legitimate duty to expose the communal approach of the Congress to the land diversion issue and fight for the freedom of judiciary"; that "had the BJP not supplemented the efforts

of the SAYSS and joined the land-restoration movement, it would have been regarded as a sinner"; and that the "approach of the Prime Minister and the Congress party to the Amarnath land issue is contradictory". Its third argument was based on the fact that the Prime Minister had appreciated the suggestion of L.K. Advani that the Amarnath land row should be resolved taking into consideration the High Court's judgments on the issue (*Early Times,* August 29, 2008)

At the same time, however, the BJP state president faced several problems during the period of agitation. For example, two senior leaders of the party, Chaman Lal Gupta and Nirmal Singh, were not happy with the party president. Their complaint was that party president Ashok Khajuria had threatened economic blockade without taking the party into confidence. Nirmal Singh had publicly opposed the idea of economic blockade. And, he did so in Srinagar, where he interacted with some media persons and told them that the BJP had never threatened economic blockade. The stand of Nirmal Singh created an awkward situation for Ashok Khajuria, with several media persons standing on his nerves and pressing him to explain the party's stand on the issue. Chaman Lal Gupta and Nirmal Singh also disliked the Ashok Khajuria's ultimatum to what he had termed as "followers of Syed Ali Shah Geelani". Their argument was the same: Ashok Khajuria had given the ultimatum without taking them into confidence and that the approach of the party president was dangerous.

There is authentic information that both Chaman Lal Gupta and Nirmal Singh had taken up these issues with some top-ranking BJP national leaders and expressed their unhappiness over the stands of their party president. There are valid reasons to believe that both these local leaders had succeeded in convincing their Delhi masters, who, it has to be believed, told Ashok Khajuria not to go ahead with the threats he had administered. In other words, Ashok Khajuria was told to behave properly. The fast-changing attitude of Ashok Khajuria was an indication that he had been snubbed by the party high command.

Yet another problem faced by the party president was Nirmal Singh's opposition to the demand for the dismissal of Governor N.N. Vohra. That he was opposed to this demand became very clear on July 12, when BJP national president Rajnath Singh personally asked the state BJP spokesperson, this author, to hold a press conference the

same day and demand dismissal of the Governor. July 12 was the date when Nirmal Singh, senior leader of state BJP was also to hold a press conference. This was a ticklish situation for the party's spokesperson. He discussed the whole issue with the party president and general secretary (organization) and asked them to suggest a way out. They, in turn, talked to Nirmal Singh. They told him that the BJP spokesperson would put forth two demands – dismissal of the Governor and restoration of the Baltal land to the SASB – and then hand over the stage to Nirmal Singh. In the meantime, Nirmal Singh talked to the BJP spokesperson and inquired about the issues he would raise during the press conference. The BJP spokesperson told him that he had been asked by Rajnath Singh to raise the above-referred to two issues. After listening to the BJP spokesperson, Nirmal Singh told that he would not join the conference because he did not like the suggestion.

Yet another problem faced by Ashok Khajuria was the concern shown by certain BJP leaders over their detention by the police. Some of the BJP leaders had, it may be recalled, violated the curfew. With the result, the police had arrested them. Some of them had been booked under the charge that they had indulged in violent activities on July 23-24 and damaged the Jammu Medical College building, furniture and equipments. They wanted the BJP leadership to ensure their immediate release. The issue had vertically divided the state BJP leadership: One section was of the view that the arrested party leaders should be released unconditionally and all the charges against them be withdrawn and the other section shared the view of the arrested leaders that they should secure their release by moving bail applications. In other words, a section wanted the arrested leaders to admit their guilt. The controversy had climaxed to the point that the party president, who otherwise was of the view that securing release through bail applications would send a wrong message, had to agree to the suggestion of the arrested leaders. The RSS functionaries were also in favour of ensuring the release of the BJP leaders. Their argument was that the arrest of BJP leaders like Nirmal Singh had hampered the activities of the party and the SAYSS.

On occasions, Ashok Khajuria, who had utterly failed to rein in the disgruntled elements and never asserted his authority, appeared very upset over the negative attitude of some senior party leaders. It

can be said that he suffered heart attack because of dissensions within the party. He was hospitalized on July 31. He remained bed-ridden for almost three weeks and at a time when the movement was at its peak. During this period, it was the party spokesperson who virtually managed the whole show, which again became a cause of irritation.

Anyway, in spite of its limitations, the role played by the state unit of BJP was very significant. It was particularly significant for five reasons. It educated the public opinion, established that the struggle in Jammu was an ideological struggle, countered the arguments advanced by the opponents of the Jammu agitation, kept the issue of discrimination against Jammu alive and took all possible steps to cultivate the Muslims of the region. Its role was significant in another sense as well. It consistently opposed all such demands which had the potential of widening further the already rather wide gulf between Kashmir and New Delhi.

Congress

The position of the Jammu and Kashmir Pradesh Congress Committee (JKPCC) was very precarious. It was divided into four groups. One group consisted of Muslim leaders, especially those belonging to Kashmir. The other group was that of Buddhist leaders, all from Ladakh. The third was of Hindu leaders, all belonging to Jammu province. And, the fourth group was a one-man group for all practical purposes. It was the group of the JKPCC president, Saif-ud-Din Soz. The leaders belonging to the first two groups remained mum during the period of agitation in Jammu. They neither supported it nor opposed it. Their attitude was one of indifference.

The one-man Saif-ud-Soz group remained active throughout and he played double role. On the one hand, he acted as the mouthpiece of the Union Government to which he belonged and, on the other, he acted in a fashion which was calculated to make the opponents of Jammu agitation in Kashmir believe that he was with them. All of his interventions, including his suggestion that the period of pilgrimage should be curtailed to one month and his demand for the appointment of a "high level enquiry into the loss of life (in Kashmir) on August 11 due to firing by the forces", established beyond any shadow of doubt that his heart bled only when any untoward incident took place in the

Valley (*Daily Excelsior,* July 18 & August 14; *The Tribune*, August 14, 2008). He did not utter a single word during the days of agitation in Jammu which could even slightly indicate his concern over the reign of terror unleashed by the police in Jammu.

It was the third group which played one role or the other during the movement. Till towards the end of July, the attitude of the Jammu-based Congress leaders, including former ministers, without any exception, towards the movement in Jammu remained quite hostile. In fact, all of them gave their unstinted and unqualified support to the July 1 Cabinet decision, which had led to the mass upsurge in Jammu. They would say that the "decision was rational and most suitable to the needs of the *yatries*"; that the pilgrimage to Shri Amarnath could not be sustained by the SASB as it could not bear the expanses of huge staff on yearly basis; and that "it is not possible for the SASB to provide adequate facilities to the *yatries* and as such the government had to intervene in the interest of visiting devotees" (*Daily Excelsior,* July 13; *Kashmir Times,* July 19, 2008).

The only intervention which indicated for the first time some opposition to the Kashmiri leaders was the one made by former minister Gulchain Singh Charak on July 29. He held a press conference at his residence on that day and denounced Omar Abdullah for what he called his July 22 parliament "provocative" statement that "they (Omar Abdullah and Hurriyat leaders) won't allow (anyone) to take away even an inch of land..." He said that "Kashmir is nobody's *jagir*, the land belongs to the people of Jammu and Kashmir, the land belongs to India and Dogras acquired this land after making supreme sacrifices" (*Kashmir Times; Dainik Jagran,* July 30, 2008). Significantly, when asked if his attitude towards the July 1 Cabinet decision had also undergone some change, Gulchain Singh Charak shot back saying "no, I still justify the decision taken by the government..." (*Kashmir Times,* July 30, 2008).

The truth, in short, is that all the Jammu-based Congress leaders opposed tooth and nail the Jammu movement. They opposed it on four specific grounds. Firstly, the movement had been engineered by the RSS, the BJP and the VHP for political gains. Secondly, the movement was patently communal. Thirdly, the agitation would lead to the division of the state on communal lines. And, lastly, the "prolonged atmosphere

of *bandhs*, *hartals* and violence is causing lot of hardships to the people" and "it has caused great economic loss to different sections of society, besides loss to the daily earners, labour class, shopkeepers, traders, students, transporters etc" (*Ibid.*, July 31 and August 3, 2008).

The attitude of Ghulam Nabi Azad, too, was identical. He told D.K. Singh of the *Indian Express* as late as on August 4 that "the BJP is trying to add fuel to the fire" as "Assembly and Parliamentary elections are very close" and that "they (BJP) see a ray of hope by exploiting the situation..." So much so, he sought to create bad blood between the local BJP leadership against the BJP national leaders by saying "local BJP leadership in Jammu is far more reasonable than their national leaders. Left to the state BJP leadership, we would have found a solution long back". This statement, however, was very significant. It indicated that Ghulam Nabi Azad was perhaps in touch with some Jammu-based BJP leaders. The regret of Ghulam Nabi Azad was that the BJP converted a non-issue into a major controversy. In fact, he told Aditi Tandon of *The Tribune* (August 17, 2008) that "a small issue was blown up".

Things started changing dramatically after August 2, with former Congress MLA from Akhnoor, Sham Lal Sharma, extending his support to the SAYSS. He went all the way to Geeta Bhawan to extend his support to the SAYSS. Later, talking to the *Daily Excelsior* (August 3, 2008), he justified the land-restoration demand and said that "the Jammu people are facing discrimination for the last 60 years" and that "the administration underestimated the sentiments of people of Jammu". At the same time, however, he warned against any attempt on the part of any political party to "hijack the present agitation".

Sham Lal Sharma's unexpected plunge motivated leader after leader to come forward and support the movement, and even take on the Congress central leaders, especially the party's spokespersons. Significantly, this change of heart rattled many. *The Kashmir Times*, on August 3, carried a very lengthy story on it. It was titled "Cong leaders join the gang too".

The story needs to be reproduced here verbatim and it read: "Inevitable has happened finally, though belatedly! Jammu-based Congress, leaders including MPs and legislators, have started coming out overtly in support of the SAYSS spearheading the movement for

restoration of 800 kanals of land to Shri Amarnath Shrine board. Today, which proved to be a day of dramatic developments unfolding one after the other, many local Congress leaders had a 'sudden change of heart' and they chose to describe (it) as, 'public movement'. So far all the Congress leaders have maintained that the agitation was being run by communal forces led by saffron brigade, which is exploiting the people in the name of religion. Yet today the unanimous assertion of almost all Congress leaders, who extended overt or covert support to the Samiti for its demand of restoration of land to SASB, was that their decision was inspired by the overwhelming sentiments of people of Jammu whom they represent. Yet in the same breath they asserted that the support to the Samiti did not change their credentials as Congressmen. The way people, irrespective of age, sex, caste and creed, are coming out in support of this demand, we can gauge that this is a popular sentiment of the people of Jammu region and being their representatives, we feel duty-bound to respect the sentiments of our people who elected us. We too are Jammuites and, hence, we support their just cause,' was the tenor which found reflection in the statements of different Congress leaders. Why this sudden change of heart, as Congress so far has justified the Cabinet decision revoking the diversion of land to SASB, the answer to this simple question was quiet crafty yet again on anticipated lines, 'No, no, this is not sudden change of heart. We've always supported the cause of Jammu. Once we realized this is a people's movement for a just cause, we too came forward.' Of all the leaders, however, the lead was taken yet again by Sharma brothers i.e., Member Parliament Madan Lal Sharma and ex-MLA Akhnoor Sham Sharma, who have been quiet vocal while announcing (their) support to *Samiti*. Working as usual in perfect coordination and seemingly under a well-planned strategy Madan today met AICC president Sonia Gandhi and Union Home Minister Shivraj Patil to seek their intervention to contain unrest in Jammu on this demand. Deputy Chairman J&K Legislative Council Arvinder Singh Micky too accompanied him during his meeting with Patil to plead the cause of Jammu and its people who, they stated, have been facing discrimination for the past sixty years. While his brother Sham today had a meeting with the Samiti convener Leela Karan Sharma and other members at Geeta Bhawan. While talking to KTNS, Sham maintained, 'Yes, we've

extended support to the *Samiti* for this cause as Jammuites. We would have supported it earlier but they did not contact us. Now when the *Samiti* members invited the Jammu-based political leaders having impressive mass following for all party meet to seek their support, we accepted the invitation. I went there today and held discussions for over two hours. Now when Jammu people are waking up to their rights, we've decided to support them. After all we are Jammuites first and also being their representatives, it's our duty to protect their rights and interests. But I've made it clear to the *Samiti* that communal harmony should not be disturbed. We should treat it as a common cause. I'm a Congressman and will continue to be so. The Samiti should ensure that no communal tension is created, public or personal property is destroyed. The *Samiti* too has clarified that it is not projecting any political party,' he added. When asked the reason for this change of stance vis-à-vis agitation, he claimed, 'No, no we've never been against this demand. In fact, even at the Congress Legislature Party (CLP) meet, we'd maintained that this (revocation of land diversion order) decision was not right. Only yes-men had endorsed this decision. For us this is an issue related to the pride of Jammu. As far as MP Madan Lal Sharma is concerned, he during his meeting with Soniaji and Union Home Minister has requested them to take this issue and agitation of Jammu people on this account seriously. The issue should be resolved respecting the sentiments of people of Jammu. Yet this is true earlier (that the) Congress did not take this agitation seriously.' Critical of handling of the situation by the administration, he asserted, 'The administration was a total failure. I also condemn restrictions imposed on the media vis-à-vis their professional duties. Lastly, I appeal (to) all leaders of Jammu, irrespective of their party affiliations, to come forward and support this cause.' In yet another development, five other senior Congress leaders viz., MLC R.S. Chib, MLAs Raman Bhalla, Yogesh Sawhney, Suman Bhagat and Manohar Lal too issued a statement on similar lines extending support to the Samiti for the cause. R.S. Chib averred, the 'Samiti had approached us seeking our support. Jammuites are fighting for a right cause. This has now become an issue representing the sentiments of all Jammuites. How can I be different from them? I'm a Congressman but at the same time I'm a Jammuite and also a religious person. We are secular and that's why we want

peaceful agitation devoid of communal overtones. But we've taken exception to the statement of PDP president Mehbooba Mufti.' Holding the PDP and the NC responsible for this disturbance in Jammu, these leaders also tried to pass (on) the buck to Governor who, they alleged, 'created this problem by writing to the government to take over *Yatra* arrangements.' Veteran of all, former Deputy Chief Minister Mangat Ram Sharma, however, remained cautious in his expressions while extending direct support to the Samiti. 'No, I'm not supporting any Samiti. But I'm respecting the sentiments of people. *Yeh issue jan andolan ban gaya hai*. (This issue has become people's movement.) The tide has swept every village, town and city now. So obviously this is our duty to support the people whom we're representing. Issue is just."

The Kashmir Times' story on the change in the attitude of the Jammu-based Congress leaders does indicate the nature of the mass upsurge in Jammu. And, it was this change of heart which made them rush to Delhi again and again to meet AICC president Sonia Gandhi, the Prime Minister, the Home Minister, the Foreign Minister, Pranab Mukharjee, National Security advisor, M.K. Narayanan, and several senior Congress leaders, including political secretary to Sonia Gandhi, Ahmad Patel, and Janardhan Pujari, and urge them to accept the demands of the people of Jammu. "The Home Ministry must intervene and understand the pulse of the situation", they would repeatedly tell the Congress central leaders and those in the government (*Indian Express,* August 5, 2008). It was this sudden change in their attitude which made them urge Governor N.N. Vohra time and again to initiate a dialogue with the SAYSS leadership so that the issue was resolved to the satisfaction of the people of Jammu province at the earliest (*Kashmir Times,* August 3, 2008). It was interesting as well as comical to see the staunch supporters of the July 1 Cabinet decision extending their support to the SAYSS, describing the Jammu agitation as mass agitation and an agitation for the just cause and condemning the statements of Abhishek Manu Singhvi, Jayanthi Natrajan and Munish Tiwari. And, the potent reasons behind this dramatic change in their attitude were obviously five – fear of political extinction, continuous attacks on the houses of former ministers and legislators, protest demonstrations against them, call of social boycott and their inability to venture out of their houses.

A very brief reference to two instances which had served to change the attitude of the Congress leaders towards the movement in Jammu would be in order. One was the move on the part of the Rajput Sabha to excommunicate Gulchain Singh Charak from the Rajput community and the other was continuous attacks on the residences of Congress leaders like Mangat Ram Sharma.

It was under this situation that two members of Parliament, Madan Lal sharma and Lal Singh, met the Prime Minister in New Delhi on August 4 and asked him to intervene in the matter so that the Congress remained in the reckoning in the state. They put forth a formula which, according to them, if accepted, would resolve the issue. Their suggestion was that the management committee of the Shrine Board should be reconstituted by nominating "local prominent figures representing Jammu province and members of minority community representing the Valley" (Kashmiri Hindus) and Karan Singh, Member of Parliament and former Union Minister, appointed as the board's chairman. They also suggested that Governor N.N. Vohra should be recalled. What had prompted both these Jammu-based Congress leaders to meet the Prime Minister and other central leaders was their fear that a "particular political party (BJP) and its hard-line communal outfits, which were waiting for an opportunity", would "hijack the entire issue for their best political advantage and throw the state, particularly the Jammu region, to an unprecedented violence". They clearly told the Prime Minister that any failure on the part of the authorities to intervene at this critical juncture would only enable the BJP to "polarize the electoral quarters on communal lines which is a long-awaited desire of some political forces" (*Kashmir Times,* August 5, 2008).

A day later, Karan Singh also came out with a five-point formula. (*Indian Express,* August 6, 2008). He had not spoken a word on the issue till then. His solution was: recall Governor N.N. Vohra and appoint in his place General J.J. Singh, who belonged to Marwah area in Doda district; reconstitute the SASB; appoint former Supreme Court Chief Justice A.S. Anand as chairman of the Shrine Board; provide adequate facilities to pilgrims; and management of facilities by the Shrine Board during the period of pilgrimage. He, in addition, suggested compensation to the family members of those got killed in police action.

However, the Congress immediately "distanced" itself from Karan Singh's suggestions, especially his suggestion that N.N. Vohra should be immediately replaced because it was during his time that the second phase of agitation started in the state. It said whatever he had suggested was his "personal" view. But it had no impact on Karan Singh. He stuck to his stand and asserted that the removal of Vohra was "necessary to cool down tempers in Jammu". "There is a perception that Vohra is responsible for the present crisis as he abruptly gave up the claim for the land as soon as he took over as the Governor". He told all this to Karan Thapar in the CNBC TV 18's India Tonight programme on August 7. He also told Karan Thapar that he would give his proposal to the AICC president "once she returns from China". He acknowledged that he had never seen "this sort of uprising in Jammu which cuts across all barriers of caste, creed and religion", that "it is an outcome of resentment for decades" and that the protests were a "result of discrimination between the Valley and Jammu" (*Kashmir Times,* August 8, 2008).

But one of the most significant observations of Karan Singh was the one he made on August 19 during his meeting with Prime Minister Manmohan Singh. According to his spokesperson, Karan Singh told the Prime Minister that "the situation in Jammu is worsening and the conflict is between the nationalist and anti-national forces" and that "he asked the Prime Minister that it is moral duty of the nation to protect the nationalist people" (*Early Times,* August 20, 2008).

Even a superficial scrutiny of Karan Singh's observations would be enough to establish that he was in full accord with BJP leaders like L.K. Advani, notwithstanding the fact that both of them belonged to parties which would always take diametrically opposite stands. L.K. Advani's assertion that the struggle in Jammu was a struggle between nationalists and separatists and Karan Singh's observation that the conflict was between the nationalist and anti-national forces all indicated that both of them held almost similar views.

This coincidence between the mass upsurge in Jammu and the change in the attitude of the Jammu-based Congress leaders, coupled with Karan Singh's positive intervention, all agreeing strongly in a general temper of solution to the Amarnath land issue constituted a

very significant development. It also appeared that the AICC and the Congress-led UPA Government might intervene in the matter. But it was not to be. Rather, the AICC, which adopted the policy of wait and watch till August 3, adopted a very tough posture after August 4. It, instead of making common cause with the Jammu-based Congress leaders, blamed the "*Sangh Parivar* and the BJP for the Amarnath agitation".

Addressing media persons in Delhi on August 5, Congress spokesperson Munish Tiwari accused the "BJP of being responsible for the continued violence in Jammu…'RSS, VHP, Bajrang Dal and Hindu Mahasabha leaders form the core of the Sangharsh Samiti (spearheading the agitation in Jammu against revocation of land to Amarnath Shrine Board) and are backing the agitation. They have the support of BJP'. He did not stop here. He went on to say that "it hardly matters if one agency is providing facilities for the pilgrims or the other", that "the Sangharash Samiti would not be invited for the all-party meeting" and that "only the political parties have been invited", that it was wrong to say that "some Congress MLAs too are backing the agitation in Jammu" and that one must "appreciate the circumstances" under which the government revoked the land transfer order. Munish Tiwari made the stand of his party on the issue public ahead of the all-party meeting, which was scheduled to be held on August 6 at the Prime Minister's official residence. This meeting had been convened by the Prime Minister himself (*Daily Excelsior,* August 6, 2008).

What Munish Tiwari told media persons was obviously the party line and it suggested that the AICC would, instead of taking on board everyone, take cudgels with the main opposition party, the BJP. Munish Tiwari's formulations did vitiate the atmosphere on the eve of the all-party meeting. It was not good omen.

According to D.K. Singh of *The Indian Express* (August 10, 2008), "a section of the ruling party is…critical of the way party leaders are being allowed to take the '*Sangh Parivar* line'. They pointed out that most Congress MPs and MLAs from Jammu were supporting the agitation and there was no attempt by the central leadership to rein them in. Fingers are also being pointed out at former Chief Minister Ghulam Nabi Azad for his lack of foresight in diverting land to the

Amarnath Shrine Board. 'How could he not foresee how hardliners in the Valley would project the issue? Now people are blaming us for playing the Hindu card in Jammu'. Worse, we appear to have lost all we had gained here in terms of a move towards peace', said a Congress Working Committee member".

That the story of D.K. Singh did not contain off-the-cuff remarks and that it revealed only the true story became more evident on August 18, when Munish Tiwari said that "the Sangharash Samiti and the Hurriyat Conference are two sides of the same coin" and accused both of them of "trying to complicate the situation". His attack on the BJP was no less scathing. He said "any effort to use the Jammu and Kashmir issue for narrow political ends is condemnable" and that "the responsibility lies squarely on the BJP to rein in the Samiti and not resort to any activity that further flares up the situation" (*Daily Excelsior,* August 19, 2008). Three days later, another spokesperson of the Congress party, Jayanthi Natrajan, took almost a similar line. Talking to media persons in New Delhi on August 21, she not only condemned the SAYSS asserting that its agitation "is totally based on falsehood and lies", but also asked the BJP and the *Sangh Parivar* to "call off the agitation over the Amarnath land issue" (*Ibid.*, August 22, 2008). The line adopted by Natrajan was similar to the one Ghulam Nabi Azad had taken on August 6, when he said "you cannot solve a problem by undertaking protests for weeks and months together" and that "a suspension of the agitation…for a few days is necessary to pave the way for a dialogue" (*Ibid.*, August 7, 2008).

All this only serves to establish that the attitude of the AICC towards the Jammu agitation was becoming more and more hostile with each passing day. It also establishes that the AICC had two yardsticks – one for Kashmir and the other for Jammu. When Kashmir was in flames, the AICC adopted a very lenient attitude. So much so, it and the Central Government, which it controlled, took no time in making Governor N.N. Vohra give up claim over the Baltal land in order to respect the sentiments of the separatists and Islamic fundamentalists. But when it came to Jammu, it hardened its stand and used all kinds of invectives and epithets against the BJP and the SAYSS. The AICC toughened its stand notwithstanding the passionate pleas of the Jammu-based Congress leaders and Karan Singh to the contrary.

It is important to note that the remarks of Jayanthi Natrajan and Munish Tiwari had not only added more fuel to the fire in Jammu and evoked very strong reactions from the BJP and the SAYSS, but their remarks also caused a furore among the Jammu-based Congress leaders. They denounced the Congress central leaders in downright language. A number of Congress leaders, including senior vice-president and former MP and minister, Dharam Pal Sharma; MLC RS. Chib; former ministers and legislators Raman Bhalla, Gharu Ram, Girdhari Lal and Sham Lal Sharma, rushed to Delhi on August 22 to meet Sonia Gandhi and Manmohan Singh and register their emphatic protest. Members of Parliament Madan Lal Sharma and Lal Singh were already there in Delhi for the same purpose. Each one of them – apart from demanding the recall of Governor N.N. Vohra — told the Prime Minister that Natrajan and Tiwari were blissfully ignorant and that they were not aware of the facts and the ground realities. They told him that "equating nationalist and patriotic people of Jammu with those of Hurriyat Conference leaders or Kashmiri separatists is a criminal act". "They should know the difference between the people who are insulting and burning national flags and those who are protesting peacefully holding tri-colours in their hands and raising slogans of Bharat Mata Ki Jai".

Lal Singh told media persons that "we had urged the top Congress leadership to keep a check on the outbursts of such leaders at the centre who have no basic knowledge about this agitation as such remarks are seriously damaging the party in the state". The stand of Madal Lal Sharma was identical. He said: "We strongly reject, and rather condemn, the remarks of Tiwari and Natrajan, which have created strong resentment among the PCC leaders. I took up the matter immediately with PCC chief Saif-ud-Din Soz, Pranab Mukharjee and also with Prime Minister Manmohan Singh and requested them to issue directions to these leaders who basically don't have proper knowledge of the ground realities and this Jammu agitation. We have supported the Jammu cause and want that land be given to the Board respecting the religious sentiments of the people. We also want that the issue be resolved immediately but equating Jammu agitation and Sangharsh Samiti with the Hurriyat Conference is unjustified and condemnable".

Dharam Pal Sharma also reacted very sharply. He said: "We disapprove of and lodge our strong protest against the remarks of Tiwari

and Natrajan and conveyed our concerns to the party high command". Ex-MLAs, Sham Lal Sharma and Raman Bhalla, who had courted arrest on August 20, along with the Sangharash Samiti members, said that "they have been hurt with these irresponsible remarks of the AICC leaders. They have tried to damage the party in the region. They are ready for any sacrifice for the Jammu cause and fully support the Jammu agitation, irrespective of remarks of those in Delhi issuing such statements" (*Ibid.*, August 23, 2008).

Significantly, however, the Jammu-based Congress leaders and the AICC also differed on two other major issues — delimitation of the Assembly constituencies and removal of N.N. Vohra. The AICC vehemently opposed the idea of delimitation overlooking the views of the Jammu-based Congress leaders. Similarly, neither the AICC nor the Congress-led UPA Government approved of the suggestion regarding the removal of Governor N.N. Vohra. Even more significant was the vertical division of the JKPCC into two factions. While both the members of Parliament and several former ministers and legislators insisted that removal of N.N. Vohra was imperative for conciliating the people of Jammu, Mangat Ram Sharma and Gulchain Singh did not endorse their stand. They said "Vohra's recall is not our demand" (*Daily Excelsior*, August 25 & *The Latest*, August 29, 2008).

Likewise, there was rift in the JKPCC over certain remarks of Syed Ali Shah Geelani. Geelani had, it may be recalled, addressed a rally at Srinagar on August 20 where he said that he would not accept anything short of accession to Pakistan and that the people of Kashmir were Pakistanis because they believed in the teachings and tenets of Islam. The remarks of Geelani had upset the Jammu-based Congress leaders. Unable to digest these remarks, the Jammu-based Congress leaders, like the BJP leadership, demanded the arrest of Syed Ali Shah Geelani under the charge of sedition. The demand put forth by these leaders evoked a very strong reaction from the Kashmir-based Congress leaders, particularly the JKPCC vice-president, Sheikh Ghulam Hyder. He issued a statement and said he had nothing to do with what the Jammu-based Congress leaders had said. In other words, while the Jammu-based Congress leaders had taken a strong exception to the remarks of Syed Ali Shah Geelani, their counterparts in Kashmir preferred a "soft approach" (*The Tribune*, August 22, 2008).

One thing was clear: The Jammu-based Congress leaders were on one side and the AICC and the Kashmir-based Congress leaders on the other. The meaning was also very clear and the meaning was that there was none in the South and North Blocks or at the AICC headquarters who was willing to accommodate the people of Jammu and appreciate their aspirations and nationalist ideology. The authorities in New Delhi yielded only after they realized that there was but one way in which peace could be restored in Jammu province and that was by accepting their basic demand – restoration of the Baltal land to the Shrine Board on a permanent basis.

Panun Kashmir

As mentioned earlier, the displaced Kashmiri Hindus joined the crusade against the fundamentalist forces right in the beginning. They contributed to the movement in two ways. They took active part in all the programmes announced by the SAYSS and organized several protest demonstrations, most of which were outside the confines of the SAYSS, and, like the locals, fell victims to the police brutalities. All the colonies housing the Kashmiri Hindus had turned out to be major hot spots, with the law and order authorities finding it extremely difficult to prevent the people from venturing out of their houses. It was something unusual – unusual because the Kashmiri Hindus had seldom confronted the police so boldly overlooking threat to their life and limb. Some of the colonies, which witnessed heroic pitched battles between security forces/police and crowds during all those days of agitation, were Muthi, Barnai, Lower Roop Nagar, Janipur and Durga Nagar in Jammu city and the adjoining Nagrota area. Indeed, their contribution to the success of the Jammu agitation was immense.

More significant perhaps was the support of the Kashmiri Hindus to the agitation at the intellectual level. All or nearly all of their frontline organizations took upon themselves the responsibility of counteracting the influence of the Kashmiri separatists and radical Islamists through the media, both electronic and print. Their interventions would call the bluff of those who had opposed the land diversion decision and their formulations would render clueless all those who were seeking to dub the Jammu agitation communal and reactionary.

Some of the prominent organizations of the Kashmiri Hindus, which enriched the mass movement in Jammu intellectually and ideologically, included the Panun Kashmir of Ajay Churungoo, the Panun Kashmir of Agnishekhar, the Panun Kashmir Movement, the All State Kashmiri Pandit Conference and the Jammu and Kashmir Vichar Manch. Ajay Chrungoo and his colleagues M. K. Teng, M.L. Koul and O. N. Trisal on occasions more than one described the controversy over the transfer of Baltal land to the SASB as a "broader design of the Islamic fundamentalist forces". "The controversy of land allotment under the garb of ecological destruction or demographic assault is basically a continuation of the process that was initiated with the forced exodus of Kashmiri Hindus from the Valley" and the "recent controversy gives an insight into the fundamentalist and Talibanized psyche of the civil Muslim society in the Valley", they repeatedly said. They would also say time and again that the "present reaction in Jammu in particular and the country in general is a reflection of the assertion of the Hindu *Samaj* and the nationalist civil society that they are not going to accept any assault on their faith and national integration but will force the Indian State to protect the interests of nationalist society" (*Daily Excelsior*, July 12, 2008).

The main refrains of leaders like Ajay Chrungoo were that Omar Abdullah's speech was targeted purely at communal fundamentalist regimes in the Valley; that through his speech, he was probably "trying to convey to the people in the Valley that he can be as communal and as fundamentalist as Mehbooba Mufti and Syed Ali Shah Geelani"; that for six decades, the NC tried to "put on camouflage of secularism while pursuing strindently communal politics in Jammu and Kashmir"; and that his speech in the Parliament "blatently conveyed that even the third generation Abdullahs lives up to the organization's communal legacy". They also questioned Omar Abdullah's concept of nationalism and would ask: "Which Kashmiri identity and Kashmiri nationalism Omar Abdullah is talking about? They also posed two more straight questions. One, "is denying the temporary allotment of land for building temporary infrastructure an expression of the nationalism? Two, "or is it linked with building Islamic fundamentalist society in Kashmir? (*Kashmir Sentinel*, October 2008).

The most striking feature was the resolve of the frontline Kashmiri Hindu organizations to forget all their differences and fight out the fundamentalists together. Take, for example, the case of Ajay Chrungoo and Agnishekhar. Both of them made common cause and declared in one voice that they would accept only that solution to the Kashmir problem which "does not impair integrity and sovereignty of India". "Kashmir belongs to Kashmiri Hindus as much it belongs to any other Kashmiri", both of them said. Their other upshots were: "This struggles in Jammu has exposed the communal face of the separatist forces operating in the state"; "the Agitation in Jammu has torn the veil of hypocrisy of the center"; "behind this veil the Centre has always concealed its preferences to surrender before separatist forces"; "expressions of the leaders in the Valley and mobilization of people once again vindicate the Panun Kashmir stand that the political class in Kashmir continues to reject co-existence"; and "the Union Government must desist from any accord, which will give legitimacy to any form of separatism, be it secession to Pakistan, be it shared sovereignty or be it autonomy" (*Indian Express; Kashmir Times; Daily Excelsior*, August 24, 2008).

Yet another significant aspect of their whole intellectual campaign was the attempt on the part of the Kashmiri Hindu organizations to establish that the mainstream Kashmiri Muslim leaders were more dangerous than the separatists as they masqueraded outside the state as secularists and democrats and as they had connections at right places in New Delhi and they did succeed. Their argument was that the mainstream leaders were wrecking the Indian state both from within and outside. It was in this context that Ajay Churungoo said on July 26 that NC president Omar Abdullah was more dangerous than Syed Ali Shah Geelani. What had made him go public and say all this was the July 22 Omar Abdullah's Parliament speech. He repeatedly asserted that Omar Abdullah was a communalist of communalists and that what he did in the Parliament was a classical example, which indicated the kind of leverage the likes of Omar Abdullah had in the Indian establishment (*Dainik Jagran*, July 27, 2008). It is difficult to avoid the conclusion that he hit the nail on the head.

The role played by the Panun Kashmir Movement was also identical. It advocated the view that "Kashmiri Hindus are important

component of the Kashmir issue because of the fact that they are the indigenous people of Kashmir and have a right over its territory and cultural tradition". It asserted: "Their (Kashmiri Hindus) religious cleansing in the Valley of Kashmir started during the medieval times, but what happened in 1989-90 was culmination of the process of Islamisation of Kashmir (and) Amarnath Shrine Board issue needs to be seen from the angle of Islamisation of Kashmir" (*Daily Excelsior*, July 17, 2008).

On the other hand, the organizations like All State Kashmiri Pandit Conference unleashed a campaign designed to make the Union Government abrogate Article 370. These organizations sought to create an impression that Article 370 was the mother of all ills. Their argument was that this Article was incorporated in the Indian Constitution at the behest of those who never considered Kashmir as an integral part of India and those who considered the Muslims of Kashmir as a race apart. Their leaders, including Amar Nath Vaishnavi and Hira Lal Chatta, attributed the exodus of the Kashmiri Hindus from the Valley to the rise of extremism and fundamentalism in Kashmir and asserted, and rightly so, that "no member of the community left the Valley for money" and that "the Union Government have emboldened the terrorists by equating dreaded terrorist Afzal Guru with Sarabjit Singh (a case of mistaken identity)" (*Ibid.*, June 29, 2008).

The All State Kashmiri Pandit Conference not only functioned as a constituent of the SAYSS, but it also staged a protest demonstration at Raj Ghat, New Delhi, on August 17. A number of leaders of this organization questioned the approach of the Union Government towards the Jammu agitation and targetted PDP president Mehbooba Mufti, saying "on the one hand, she enjoys the privilege of being a member of the Parliament and, on the other, she fulfills the agenda of Pakistan and fundamentalists". They urged the Union Government to rein in all "inimical forces" and treat all those as "traitors", who had shown "signs of rebellion" and undermined the Indian sovereignty (*The Latest*, August 18, 2008).

Earlier on July 1, the Jammu and Kashmir Vichar Manch had organized a protest demonstration in Delhi. The objective was to attract the attention of the authorities to what was happening in Kashmir, as also to the reports that the Congress-led minority government in the

state was contemplating a move calculated to buy peace in Kashmir by yielding to the separatist pressures. The protestors drew the attention of the authorities to the facts that the "*yatra* is a Kashmiri tradition, which Muslims also joined in", that "the separatists did not protest the stink in Dal Lake, the pride of Kashmir" and, that "they are the real enemies of development". Besides, they urged the Union Government to ensure that the land transfer order was not revoked (*Indian Express,* July 2, 2008). Four days earlier, the Jammu and Kashmir Vichar Manch had termed the tirade launched by the Kashmiri leaders on the Shrine Board as a "communal onslaught on the faith and sentiments of Hindus in Jammu and Kashmir as well as rest of India" (*Daily Excelsior,* June 27, 2008).

However, there was a Kashmiri Hindu organization, called Kashmiri Pandit Sangharash Samiti, which strove to play a contradictory role. It came into being immediately after the formation of the SAYSS. Sanjay Tickoo headed this formation. It was reported that Sanjay Tickoo had founded this organization in order to represent the interests of those handful of Kashmiri Hindus who did not leave Kashmir in 1990. There are reasons to believe that Sanjay Tickoo founded this organization to counter the SAYSS and the Jammu-based Kashmiri Hindu organizations and he took this step at the behest of certain opponents of the Jammu movement. Even a cursory glance at the interview he gave to Bashaarat Masood of *The Indian Express* (August 18, 2008) would be enough to conclude that he founded this organization as a counterpoise to the aims and aspirations of the people of Jammu. How else should one interpret his comments like "what is the need to transfer this land", "there is no need for the land" and "the SAYSS has nothing to do with Amarnath"? But Sanjay Tickoo was no more than an aberration. That was the reason he very soon became an object of ridicule.

The role played by the displaced Kashmiri Hindus during the Jammu agitation had two-fold impact. On the one hand, it brought about unity between them and the locals to the extent that they became one like the Palestinians and, on the other, it established that the Hindus of Jammu had fallen victims to that hidden agenda which had forced the miniscule minority of Kashmiri Hindus to quit their original habitat in January 1990. Their message was that the Indian State was

responsible for the rise and growth of extremism in Kashmir and that the need of the time was to lay bare the disparities between what the India State preached and what it actually did.

Bar Association Jammu

One of the most prominent organizations of the professionals, which played a significant role in the movement, was the BAJ. Its role was significant all the more because Bhupinder Singh Slathia, Additional Advocate General and a well-known Congressman, headed this organization. The BAJ, which had its branches in all the courts across Jammu region, became active, particularly after July 7, when Bhupinder Singh Slathia tendered his resignation from the post of Additional Advocate General (*Kashmir Images,* July 8, 2008), though the BAJ had also suspended work for two days from June 30 to express solidarity with the SAYSS and the people of Jammu province (*Indian Express,* July 1, 2008).

Although the BAJ was an important constituent of the SAYSS, yet it operated in its own way most of the time. The BAJ president and his team members crisscrossed most parts of the region to activate all the branches of this association and educate the already rather educated people about the nature of the struggle the Jammu province was undergoing. Their focus was mainly on two issues – the Baltal land and the plight of Jammu. Everywhere they stated that the BAJ was fighting for land restoration and for an instrument that could end the menace of age-old discrimination with the people of Jammu. Everywhere they demanded the recall of Governor N.N. Vohra, saying he had violated the Shrine Board Act to meet the demand of anti-national and fundamentalist forces (*Ibi*d., July 11, 2008). On occasions, the BAJ came into direct confrontation with the civil administration. Its grouse was that it had deployed army in almost all the civilian areas in order to "preventing people from holding demonstrations" and this action of the administration was as undesirable as it was deplorable (*Daily Excelsior,* August 4, 2008).

The BAJ took recourse to several activities in order to put pressure on the authorities and establish that it, unlike the Kashmir High Court Bar Association, stood for national unity and integrity and secular and democratic ethos. Some of the activities it indulged in during the days

of agitation – apart from taking part in the SAYSS-sponsored programmes — included long marches, *dharnas*, protests and black flag demonstrations, suspension of work and free legal aid to protestors (*Kashmir Times,* July 5, 2008). They used to raise such slogans as "Mufti Sayeed Hai Hai", Bharat Mata Ki Jai", "Stop discrimination with Jammu" and "Return land to SASB" (*Daily Excelsior,* July 11, 2008).

It needs to be noted that the BAJ was highly critical of the Union Government. Its grouse against the authorities in New Delhi was that it had adopted "appeasement policy towards the Kashmir region, where even the *bandh* call given by the anti-national, fundamentalist and separatist forces is given serious consideration at the cost of sentiments of nationalist forces agitating in the Jammu region" (*Indian Express,* August 5, 2008).

The relations between the BAJ and the SAYSS were not always very cordial. The reason was that the BAJ did not like the soft attitude of the SAYSS towards the BJP. It also wanted the SAYSS leadership to broaden the base of the organization so that representatives belonging to different political, social and religious organizations were also taken on board (*Daily Excelsior,* July 5, 2008). It was of the view that both the SAYSS and the BJP were one and that the BJP had virtually hijacked the Jammu agitation. The Bar president repeatedly warned the SAYSS that it would not allow any political party to hijack the people's movement (*Kashmir Times,* July 12, 2008). The BAJ was very angry with the SAYSS for two other reasons as well. One was its decision to call off the strike on July 8 and the other was the celebrations in Jammu on July 7, when the Congress-led government collapsed like a house of cards. The argument advanced by the BAJ president was that the "resignation of Chief Minister was never the demand of the people of Jammu" and, hence, there was no reason for the SAYSS to call off the strike (*Indian Express,* July 8, 2008). The BAJ president was partly right and partly wrong. He was right when he questioned the rationale behind the decision to call off the strike and wrong when he asserted that resignation of the Congress-led government was not the demand of the people of Jammu.

The SAYSS too was very unhappy with the BAJ. It was particularly annoyed with the BAJ for organizing what it called parallel activities,

including the two meetings it organized within the premises of High Court on July 12 and 13 in which representatives of the various political parties, the CCI, social and religious organizations and traders and transporters participated. The purpose behind these meetings was to discuss and decide the mode of agitation (*Ibid*., July 15, 2008).

It has to be conceded that the BAJ did organize parallel activities. At the same time, however, it has to be conceded that the BAJ never precipitated matters. It always ensured the collapse of all such moves as were aimed at creating an impression that the people of Jammu were a divided house. That it always gave a due importance to the SAYSS could be seen from its August 6 appeal to the Union Government to "hold dialogue" with it (*Daily Excelsior*, August 7, 2008). Similarly, the SAYSS did not make any adverse comment against the BAJ, though there were elements in the SAYSS who wanted the *samiti* leadership to publicly denounce the BAJ leadership. The leadership of both the organizations displayed remarkable maturity.

However, some of the formulations of the BAJ were flawed and misleading. For example, its August 4 suggestion to the administration that "adequate protection and security" be provided to the "minority community in the Jammu region" was misplaced, notwithstanding its assertion that such action was necessary to "defeat the nefarious designs of the fundamentalists and anti-national forces active to create communal divide in the Jammu region with a view to weakening the ongoing agitation by branding it as communal" (*Ibid*). This suggestion was not consistent with the stand taken by the Jammu-based frontline organizations of the Muslims such as the Muslim Federation. Even otherwise, there was no need to put forth such suggestion as Jammu was witnessing a remarkable scene of Hindu-Muslim unity. The BAJ did cause some harm by raking up a non-issue.

Jammu is, it needs to be underlined, an oasis of peace and secularism. The outlook of the people of Jammu is more or less cosmopolitan. They have always cheerfully accommodated all varieties of refugees. They accommodated refugees from Pakistan; refugees from the Pakistan-occupied-Kashmir, including Muzaffarabad which was a part of Kashmir province; and the Kashmiri Hindus. In the process they suffered immensely. They suffered happily, despite the fact that the influx of so many refugees has reduced the original inhabitants of

Jammu city to a minority. On the contrary, the Kashmiri leadership has never allowed any non-Muslim refugee to settle anywhere in the Valley. Its attitude towards the Muslim refugees was different. For example, the Valley's ruling elite not only settled in 1952 a number of Uigar Muslim families from Xinjiang region of China in the Eidgah area of Srinagar, but also granted these refugees all the citizenship rights. The Kashmiri ruling elite adopted the same attitude towards several Tibetan Muslim families, which migrated to the Valley during the Chinese annexation of the Buddhist Tibet. All these families were settled in the same area with full citizenship rights.

However, to question the rationale of the BAJ in this regard is not to undermine the significance of the role it played. Its role was indeed very significant. The very fact that it gave maximum cooperation to the SAYSS despite serious differences is a proof that it was as ideologically committed to the Amarnath cause as the people of Jammu were. In fact, Bhupinder Singh Slathia had to pay a price for his role. The Congress did not give him the mandate to contest the Assembly election in 2008, though Guhlam Nabi Azad supported his candidature for the Jammu East constituency.

National Panthers Party

The role played by the JKNPP was quite confusing. It had nothing to do with the SAYSS. It was divided into three groups, though the party was basically a family affair. Bhim Singh, the JKNPP chief, thought it better to sail in two boats. He wanted to show that he was with the movement, but at the same time, he would say: "Governor N.N. Vohra and the land transfer are non-issues"; "the Governor had nothing to do with the Amarnath land row". So much so, he would accuse those spearheading the movement in Jammu of "raking up these non-issues for garnering votes" and term the movement as a "political strategy" evolved "by vote-mongers". His whole attack was on the BJP and the RSS. He was not really committed to the cause. He had given an indication to this effect at the very outset. Of course, he once questioned the decision to revoke the land transfer order, but his main contention was that the minority government had no right to pass any order (*Kashmir Times*, July 2, 2008).

He even took a line which had the potential of weakening the movement. He dumbfounded everyone in Jammu on July 3, when he knocked at the doors of the Supreme Court of India and challenged the decision of the State Government to revoke the land transfer order overlooking the fact that an adverse judgment would have caused a grievous injury to the Jammu agitation. His main concern was not land, but curfew. "The imposition of curfew has taken away the fundamental rights of school going children, patients and working class", the petition also said (*Daily Excelsior,* July 4, 2008).

Bhim Singh also wanted to keep the Kashmiri separatists and extremists in good humour and shuttled between New Delhi and Srinagar on a couple of occasions. In New Delhi, he would meet the Prime Minister and submit a petition containing his solution to the Amarnath land issue – solution laughed at by everyone in Jammu. His solution was: Amend the land transfer order and make the Baltal land available to the SASB "without changing the "proprietary rights of the Forest Department". A provision to this effect was already there in the government order. He was of the view that "this amendment shall meet the aspirations of the people from different regions" (*Ibid.*, August 1, 2008). And, in Srinagar, he would meet Syed Ali Shah Geelani, Mufti-e-Azam of Kashmir, Mufti Bashiruddin, Mirwaiz Umar Farooq, Prof. Abdul Gani Bhat and others of their ilk and seek their support for the amendment he had suggested (*Kashmir Times; State Observer*, Jammu, August 21 and 22, 2008). There he would also meet Governor N.N. Vohra, with whom he had good relations. He met the Governor a number of times and achieved nothing because all of his attempts were futile exercises. He would want the Governor to invite Muslim religious leaders like Mufti-e-Azam and seek their opinion (*Daily Excelsior,* August 8, 2008). He was the same Mufti who had given his unqualified support to the opponents of land transfer order.

Convinced that his approach had made him very unpopular, the JKNPP started chain hunger strike on August 4 outside the party headquarters in Gandhi Nagar, Jammu. The strike continued for almost three weeks. It was a very low-key affair. In the meantime, Bhim Singh sat on fast-unto-death on August 5 to regain the ground he had lost owing to his muddled thinking and controversial actions (*Indian Express,* August 6, 2008). The crux of the speech he made on the

occasion was that the youth of Jammu should eschew violence, ensure supplies to Kashmir and maintain communal harmony (*Young Bites*, Jammu, August 6, 2008). His appeal indicated that Jammu province had been engulfed by communal riots, which was not the case. Bhim Singh ended the hunger strike on August 11 on the request of the Jammu University Vice-Chancellor, Amitabh Matoo, and Divisional Commissioner of Jammu, Sudhanshu Pandey. A statement issued by the party the same day said: "Bhim Singh ended his indefinite strike after he was repeatedly appealed by the national leadership and intellectuals, including Prime Minister Manmohan Singh... Bhim Singh had always championed the cause of the people of Jammu and, hence, it was necessary that he recovered at the earliest for leading the present movement to its logical conclusion" (*The Tribune*, August 12, 2008).

It needs to be noted that between July 1 and August 26, Bhim Singh did not even once took the line similar to the one taken by the people of Jammu, the SAYSS, the BJP, the BAJ and the Panun Kashmir. It was only on August 27, when the agitation was at its fag end, that Bhim Singh submitted a memorandum to the Prime Minister demanding acceptance of the demands of the people of Jammu. "It is unfortunate that the sentiments of the nationalist and peace-loving people of Jammu have been ignored due to the culpable negligence and apathy of the helmsmen with the result that Jammu continues to burn and bleed...", the memorandum, among other things, said (*The Mandate*, August 28, 2008).

However, the attitude of former Cabinet Minister Harsh Dev Singh, former minister Yashpal Kundal and former MLA Balwant Singh Mankotia was different. Each one of them wanted the authorities to give back the land to the SASB. As a matter of fact, Yashpal Kunal and Balwant Singh Mankotia remained quite active during the agitation days. Mankotia in Udhampur and Kundal in Samba participated in almost all the activities organized by the SAYSS. As for Harsh Dev Singh, he only issued a few statements and participated in debates on the issue organized by the local TV channels. His line was very clear: The Congress-led minority government committed a grave blunder by revoking the land transfer order.

In short, it can be said that the JKNPP did not come up to expectations of the people of Jammu. But it was not altogether unexpected. For, the JKNPP chief was too well-known known for his blinkered vision and inconsistencies in his political approach to the issues confronting the people of the state in general and Jammu in particular.

When the nation was saluting the people of Jammu for their ideology, remarkable courage, spirit of sacrifice and patriotism, the Kashmiri leaders, mainstream and separatist, were pouring venom on New Delhi. They were striving to the hilt to create in the Valley the 1990-like situation that would help them achieve what they could not during the past 60 years — independence from India — and give Islamic orientation to those left over things which still represented the Indian culture and civilization in Kashmir. Before July 7, they set the whole of Kashmir Valley on fire because they saw in the land transfer order an opportunity to attack "Hindu India" and accuse it of polluting Kashmir and reducing the Kashmiri Muslims into a minority by changing the Valley's demographic profile. And, after July 7, they saw in the traffic disruption a God-sent opportunity to realize the same goals. They blew the non-existent blockade out of proportion and indulged in rabble-rousing, thus reiterating their stand that the Muslim Kashmir could not have any kind of truck with the Hindu-majority India.

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CHAPTER – V

ECONOMIC BLOCKADE OR TRAFFIC DISRUPTION

Determined as they were to widen further the already rather wide gulf between the Valley and New Delhi and dilute Indian sovereignty in Kashmir, the Kashmiri leaders, without any exception, continued their struggle even after July 7. The PDP and the NC all upped their anti and put forth demands which were not just anti-Jammu agitation and anti-Lt. Gen. S.K. Sinha, but also patently communal and highly unsettling.

Game of one-upmanship

The PDP took the lead and the NC followed it after sometime for reasons political and otherwise. The former finance minister and ideologue of the PDP, Tariq Hamid Karra, started the PDP's second inning on July 8 by attacking Lt. Gen. S.K. Sinha, who a day earlier had charged the "PDP of being a pawn in the hands of fundamentalists and militants, backed by Pakistan". Accusing him of misappropriating the Shrine Board funds and denouncing him as a "diseased and communal mind", Tariq Hameed Karra said that "Gen. Sinha is…against the PDP leaders" because "they scuttled his concealed strategy of forcing a Hindutva agenda on Jammu and Kashmir by trying to use the Amarnath *Yatra* to realize his hidden expansionist agenda" (*Indian Express,* July 9, 2008).

He continued diatribe against the former Governor and on July 14 asserted: "I am sure, in Gen. Sinha'a terminology, safeguarding the political, economic and social interests of the people of Jammu-Kashmir is a communal agenda for which he wouldn't have desisted from putting the entire PDP leadership behind bars" (*Ibid*., July 15, 2008). What Gen. Sinha had said about the credentials of the PDP and the healing touch policy was not something new. This had been his line all through and that was the fundamental reason because of which the PDP never

felt comfortable with the former Governor. Lt. Gen. S. K. Sinha had not crossed the line by saying that the "healing touch policy is a sinister design to grant subsidies to the families of slain militants". Even Prime Minister Atal Bihari Vajpayee had cautioned Mufti Mohammad Sayeed against the healing touch policy in 2003 at Srinagar while extending his hand of friendship to Pakistan. He had said: "Healing touch *se kahin zakham aur gehre nan ho jaine*" (Healing touch policy may deepen the wound further, instead of healing it". Barkha Dutt of the NDTV 24X7 was also there when Vajpayee indicated his reservation in his own typical style.

The PDP president, Mehbooba Mufti, shared all the views of Tariq Hameed Karra and had gone several steps further on July 12. She had said: "The creation of Shri Amarnath Shrine Board was a folly of the NC, (committed) in connivance with the BJP, and (this wrong decision) was implemented to materialize the communal agenda of the fascist forces through the BJP's blue-eyed boy S.K. Sinha". She had expressed these views while addressing a day-long session of members of the party's general council at Srinagar. She had also taken that occasion as an opportunity to castigate the NC and had said that it was because of the NC that Kashmir had been brought under the purview of such draconian laws as Prevention of Terrorism Act (POTA) and that the people of Kashmir had fallen victims to the untold brutalities perpetrated on them by the dreaded Special Task Force (STF), which was a creation of the NC (*Ibid*., July 13, 2008). Her specific grouse against the former Governor was that he, like Ghulam Nabi Azad, had rejected the "PDP's agenda and proposals, be it withdrawal of troops, dual currency etc..." (*Kashmir Times*, July 13, 2008).

A day later, the PDP had convened a "special" meeting and took a solemn pledge to launch a "struggle against injustices". In fact, it had adopted a resolution which, among other things, said: "It is the considered view of the PDP that adoption of the healing touch policy had, in great measure, resulted in the growing engagement and involvement of the people in the peace process. The healing touch policy had materially altered the ground situation and helped create conducive atmosphere or initiation and continuation of the process of dialogue within the state as well as with Pakistan for a just and durable resolution of the Kashmir issue...That in glorious recognition of all those who, on this day in 1931, made the supreme sacrifice of their

precious lives so that people of Jammu and Kashmir could live with honour and dignity, July 13 will always be remembered in the history of Jammu and Kashmir" (*Ibid.*, July 14, 2008). It is important to note that the Kashmiri leaders, including Mehbooba Mufti, had been consistently talking about the alienation of Kashmiri Muslims, but were now brazenly demanding a dispensation that must also throw in the lot of the unwilling people of Jammu and Ladakh and the internally displaced Kashmiri Hindus with a dispensation which was theocratic and exclusive.

It also needs to be pointed out that the people of Jammu and the Kashmiri Hindus consider July 13, 1931 as a black day in the history of Jammu and Kashmir because it was on that day that some religious fanatics and votaries of the Kashmir's segregation from the Jammu Kingdom had not only brutally murdered several unarmed and innocent Kashmiri Hindus and set their houses and business establishments on fire, but had also raised the banner of revolt against the state ruler. These rebels had, in addition, attacked almost all the symbols of the government authority in Srinagar. The situation in Srinagar had been brought under control only after the police swung into action and in the process a few Kashmiri rebels got killed. The Kashmiri leaders, both separatist and mainstream, observe July 13 every year as a "martyrs' day".

Mehbooba Mufti'a efforts got supplemented when on July 26 Mufti Mohammad Sayeed returned from the United States after about two months foreign tour. Immediately after his return to Srinagar, Mufti Mohammad Sayeed convened a meeting of party workers at his residence, where he stated that it would be a great folly to regard the transfer of land to the SASB as "just an incident". He warned the Union Government not to describe the land transfer decision as an incident, saying that the decision had created serious misgivings among the people of Kashmir and that it had forced them to hold aloof from the mainstream politics. His suggestion to the Union Government was that it should immediately announce some confidence building measures so that the people of Kashmir were again motivated to join the country's mainstream politics. In other words, he urged the Union Government to grant some major political concessions to Kashmir (*Dainik Jagran*, July 27, 2008).

Not content with all this, Mufti Mohammad Sayeed expressed his grave concern over the role of the RSS and appealed to the former Prime Minister, Atal Bihari Vajpayee, and Leader of the Opposition in Lok Sabha, L. K. Advani, to control the RSS, which, according to him, was vitiating the atmosphere in Jammu. He asked the BJP leaders to remember that any failure on their part to rein in the *Sangh Parivar* would only lead to communal tensions in the state the result of which would be its disintegration. Significantly, he did not even once talk about the circumstances under which the people of Jammu had to launch an agitation. His was indeed a particular community-centric and particular region-centric approach.

The activities of the PDP had their direct impact on the NC, which, in turn, took a very tough stand on the land issue in order to neutralize the influence of its greatest political rival in Kashmir. Omar Abdullah, the NC president, who remained dormant for quite sometime, suddenly became very vocal on July 22. He told the Indian Parliament that day that "we will not give an inch of our land to the SASB" and he lamented that "he could not resign from the NDA Cabinet when Muslims were massacred in Gujarat even though his conscience had asked him to do so. I will not repeat the same mistake now by siding with the NDA" (and BJP) which "demolished Babri Masjid and committed massacre in Gujarat" (*Kashmir Times; Indian Express,* July 23, 2008). To convince the Muslims of Kashmir that the NC was for a permanent solution to the problem, Omar Abdullah told the parliament, "There was an opportunity to end our misery and resolve this problem when General Musharraf was heading Pakistan. He took several steps forward and wanted to shake hands with New Delhi. But their (centre's) feet trembled and we lost a big opportunity. I have been literally screaming to make people in New Delhi realize how big an opportunity we are missing" (*Indian Express,* July 23, 2008).

Omar Abdullah was very much pleased with his performance. He wrote on his blog, "The fact that my speech struck a cord in the Valley and the rest of the country as well is a unique experience for me. The sad, but somewhat predictable, reaction to my speech in Jammu has been a source of much anguish for me" (*The Tribune*, July 27, 2008). His observation indicated that he had perhaps defeated the PDP and won over the Muslims of Kashmir. It again established that he still continued to consider Kashmir as his core constituency. The only

difference was that he did not say that the Jammu agitation was communal. Probably, he had left that job for former finance minister Abdul Rahim Rather who, on August 1, termed the developments in Jammu as communal. "Jammu has to its credit their heart-warming record of the nineties of the last century, when it proved to be a bastion of peace, communal harmony and compassion", but the today's Jammu was different; it had "allowed" itself to be "degenerated into communal fratricide and sectarian confrontation", he said on August 1, and added "the NC would defeat fissiparous tendencies, senseless violence in Jammu" (*Early Times,* August 2, 2008). Like Omar Abdullah, Abdul Rahim Rather had nothing in his kitty to offer to the agitating people of Jammu. If anything, Abdul Rahim Rather administered a threat to them.

Mehbooba Mufti, who had failed to enthuse the Parliament with her speech, was, it needs to be noted, very much there when Omar Abdullah launched a scathing attack on the BJP and the NDA for what he virtually called genocide of Gujarati Muslims. Perhaps, she had not anticipated that Omar Abdullah would take such a radical line. Had she anticipated it, her stand would have been as radical as that of Omar Abdullah. After all, she and her PDP had in the past brazenly indulged in the politics of one-upmanship to beat the NC and snatch its political space.

Sudden spurt in activities

It is very significant to note that between July 7 and August 3, there was lull in the separatist camp, though the JKLF chief stated on July 12 that the people of Kashmir were determined to fight for their independence and snubbed the "communalists in Jammu" for stopping supplies of essential commodities to the Valley (*Kashmir Times,* July 13, 2008); the APHC declared on July 31 that it will not allow the civil secretariat to move to Jammu; and Tehrik-e-Hurriyat Kashmir chairman Syed Ali Shah Geelani declared on August 2 that the "land belongs to Kashmir", "we will not give it to anybody" and that "plebiscite" should be held in Kashmir to ascertain the views of the people (*Dainik Jagran,* August 1&3, 2008). Besides, peace prevailed in the Kashmir Valley during all these 26 days. Only one violent incident took place in Kashmir during this period. It took place on July 13, when people "violently clashed" with the workers and leaders of the parties like the NC and

the PDP at the "martyrs' graveyard" at Naqashband Sahib. The NC and the PDP workers and leaders had assembled there to pay "homage" to the "martyrs" of 1931. The situation had turned so explosive at the graveyard that Omar Abdullah and Mehbooba Mufti had to leave the venue in a "hurry". So much so, Mehbooba Mufti and Tariq Hameed Karra had to "immediately return towards their vehicles barefooted" (*Kashmir Times,* July 14, 2008).

It appears that the Kashmiri leaders had been using this period to prepare themselves for a bigger assault. How else should one interpret a sudden call for Kashmir *bandh* on August 4 in protest against the developments taking place in Jammu? How else should one describe the continuous strike for several days across the Valley after August 4? And, how else should one interpret a sudden spurt in violent activities, which left one boy dead and 130 others injured, including 14 policemen?

Asking the people of Kashmir to observe a complete *hartal* on august 4, Syed Ali Shah Geelani said that the "Hindu communalists" in Jammu were "attacking and butchering Muslims" (*Amar Ujala,* August 3, 2008) and, hence, they had to be taught a lesson for the conspiracy they had hatched against Kashmir. It was a wild allegation, a white lie coined simply to inflame passions in the Valley. Not a single Muslim in Jammu had been butchered.

It was not just Syed Ali Shah Geelani who denounced the Jammu agitation and termed it as "dangerous". The PDP, the NC and the CPI-M also used a similar terminology for the developments in Jammu. While PDP president Mehbooba Mufti dubbed the Jammu agitation as "dangerous" (*Adarsh Mail*, Jammu, August 3, 2008), Farooq Abdullah of the NC and Mohammad Yuosuf Tarigami of the CPI-M asked the "secular forces to come forward" and tackle the disturbers of peace and communal amity in Jammu. They aired these views on August 2 (*Kashmir Times,* August 3, 2008). The following day, the NC and the PDP said that the agitation in Jammu would lead to the state's division on communal lines. Mehbooba Mufti even accused the Congress, the NC and the BJP of hatching a conspiracy against Kashmir and asserted that their role would negate all the efforts aimed at ensuring the success of peace process between Pakistan and India (*Dainik Jagran,* August 4, 2008). Yasin Malik of the JKLF, who had not been in the news for quite sometime, suddenly decided to go in for fast-unto-death on August 5 (*Indian Express,* August 5, 2008). The same day, Mufti Mohammad

Sayeed called on Governor N.N. Vohra and expressed "grave concern over the slide in normalization process that was initiated in 2002 and called for immediate confidence building measures to prevent further deterioration of the situation" (*Daily Excelsior,* August 6, 2008).

There are reasons to believe that whatever the Kashmiri leaders did between August 2 and 6 was a part of the strategy meticulously devised in order to put pressure on Prime Minister Manmohan Singh so that he did not concede the demands of the agitating people of Jammu. It can also be said that it was the belief of the Kashmiri leadership that acceptance of the demands of the people of Jammu would constitute a big setback to its politics of exclusiveness it held very dear. It was not for nothing that almost all the separatists and "mainstream" politicians had suddenly become active. Surely, they had become active because they knew that the Prime Minister would meet leaders of all political parties in New Delhi on August 6 to discuss ways and means aimed at diffusing the volatile situation in Jammu. It appears that their strategy had clicked. It worked in the sense that nothing came out of the all-party meeting. The failure of the meeting further emboldened the Kashmiri leaders to give a fillip to their anti-Jammu agitation and anti-India struggle. In fact, some of them had already raked up the otherwise non-existent economic blockade of Kashmir on August 4 in order to queer the Indian pitch in the Valley and advance further their communal and separatist agenda. Significantly, the Congress Media cell chief and member of the party's working committee, Veerapa Moily, surprised everyone on August 20, when he said that the "Hurriyat factions and other separatist groups had exploited the mood during the turmoil to revive their diabolic agenda" (*Times of India,* August 21).

Disinformation campaign

As mentioned earlier, the Omar Abdullah's parliament speech on July 22 and the suicide committed by Kuldip Verma on July 23 had given an altogether new orientation to the Jammu agitation. These developments had not only emotionally surcharged the Jammu's political scene, but also added to the anger of the already rather angry people. That was the time when the official intervention had become quite imperative in order to douse the fire in Jammu and heal the wounds of the people by taking some concrete and positive steps leading to the amicable resolution of the land issue. But nothing of the sort happened.

Neither the Union Government not its representative in the State, N. N. Vohra, turned attention to Jammu. Instead, they allowed the situation to drift further with each passing day. As if all this was not enough to convey a message that the people of Jammu deserved no attention, the authorities imposed curfew in most of the cities and towns of the Jammu province and deployed in strength the army, the Rapid Action Force, the CRPF and the dreaded Kashmir Armed Forces to crush the movement.

These knee-jerk official steps, instead of lowering the morale of the people of Jammu province, led to a situation under which they thought it prudent to give their movement a more assertive and aggressive orientation. The result was a complete strike across the province, barring a few places in the Muslim-majority districts of Doda, Kishtwar, Poonch and Rajouri, between July 23 and August 31. It was during this period that the people of Jammu took all conceivable steps to attract the attention of the authorities to the cause they were fighting for since June 22. One of the methods they took recourse to was to converge on the national highway in large numbers and block it. This resulted in disruption of traffic for a few hours and it happened only six seven times during all these 39 days of complete shutdown in Jammu.

It was inconceivable that the people of Jammu would have thought in terms of creating a situation that would cause huge financial loss to the people of the province working in different sectors. The economic blockade would have, it needs to be underlined, jeopardized the economic interests of the people of Jammu more as compared to Kashmir because their economic prosperity depended primarily on sound and intimate trade relations between the two main regions of the state. In other words, the traders of Jammu would have incurred huge financial losses, had the people resisted exports of goods from Jammu to Kashmir.

"Kashmir is undoubtedly the biggest market for consumer and durable goods manufactured in Jammu and that the economy of both Kashmir and Jammu would collapse the moment one region would snap its trade links with the other", told CCI president Ram Sahai. He was right. The bulk of the 96 per cent of goods in Kashmir imported from outside used to be procured from Jammu because it automatically meant exemption of goods from sales tax and Valued Added Tax. "Of

the 15 lakh tonnes of fresh fruit exported from Kashmir, 2.3 lakh comes to Jammu alone. The Jammu market consumes 60,000 tonnes of dry fruit of the total 1.4 0 lakh tonnes exported from Kashmir. A significant volume of handicraft items exported from Kashmir also comes to Jammu. The Jammu traders sell these handicrafts and fruits to nearly a crore tourists who come to Jammu primarily for pilgrimage to various shrines, besides forwarding it to other markets in rest of the country. The volume of consumer goods, imported into Kashmir from outside alone, was estimated to be around Rs. 15,000 to Rs 16,000 crores annually. This translates into hundreds of crores of rupees in taxes for the J-K government" (*Indian Express,* August 7, 2008). To be more precise, the economy of Kashmir and Jammu was interlinked and it additionally also meant making goods available to the people of Kashmir at cheaper rates and, at the same time, it meant profit to the traders and industrialists in Jammu and work for thousands of others associated with these sectors directly and indirectly, including transporters and labourers.

There was no economic blockade. It was only a temporary and marginal disruption that had taken place and that too at the initial stage of the third phase of agitation in Jammu, when a couple of Kashmir-based drivers were beaten up and a number of Kashmir-bound trucks were attacked by the protestors at Lakhanpur, Billawar, Samba and Udhampur (Jammu) and Madhopur (Punjab) on July 31 and August 1, 2 and 3 (*Punjab Kesari,* August 1; *Indian Express,* August 2 & 3; *Dainik Jagran,* August 4, 2008). Before the agitation started, the to and fro movement of logistic vehicles was nearly 1150 per day and as and when the traffic was disrupted it dropped to 500. It was only on August 1 when the disruption was almost complete. But from August 2 onwards, when the army was called out, the logistic vehicles moved to Jammu and Kashmir region as usual. About 45 columns, each having strength of 100 soldiers, were deployed in Jammu to help the civil administration tackle protestors and maintain law and order in the troubled areas. Of course, there was some problem at Lakhanpur for two three days, but the issue was resolved. With the result, the logistic convoy moved to Punjab from Srinagar and the vice-versa after August 2. Approximately 400 vehicles were moving up and down on the main highway during all these days of agitation in Jammu. Besides, to ensure free movement of traffic the army had even embarked upon the "air reconnaissance to

spot the flash points" so that the army, the paramilitary forces and police could restore normal traffic movement at the trouble spots. On August 7, the authorities even deployed army troops all along the Jammu-Pathankot stretch of the Northern Railway to prevent the protestors from sabotaging railway tracks and other railway properties. Not only the railway track along the Jammu-Pathankot stretch but also other railway properties, including the railway stations between Pathankot and Jammu, had come under the control of the army after August 7 (*Dainik Jagran,* August 8, 2008). Not just this, convoys used to leave to and from Lakhanpur to the Valley twice a day under "police protection, with mobile squads of both the army and police patrolling the national highway round-the-clock".

It is important to note that if at all there was some disruption in the traffic movement between Jammu and Kashmir and the vice-versa, it was because of other causes, some of which were very deeper, including the hostile attitude of certain elements in Kashmir to the non-Kashmiri truck drivers. Three of the causes were quite notable. One was curfew, which had slowed down movement of trucks. It was also because of curfew in Kashmir that vehicles were not allowed to move out of Jammu for a couple of days. In spite of the curfew, more than 9,000 trucks carrying merchandise, fruits, medicines, petroleum products, including LPG cylinders, and other essential goods of day-to-day use plied between Kashmir and Jammu between August 1 and 13. The other was the closure of all business establishments owing to general strike in Jammu, as also for a number of days in Kashmir, and then there was the serious problem of unloading of goods from the trucks. It was not the job of the army or the police to unload goods from the trucks. The third, and the most serious one, was that intolerant ideology in Kashmir, which had indoctrinated certain elements to the extent that they would not only attack and damage the vehicles belonging to Jammu and other parts of the country, but would also mercilessly beat the non-Kashmiri drivers.

This process had started in Kashmir as early as on June 26, when the supporters of the separatists and opponents of the land transfer order attacked and damaged as many as 18 oil tankers at Ganderbal and Rawalpora (Srinagar) for the second time. It was this incident which infuriated the members of the Jammu-based Oil Tanker Drivers and Conductors' Union, with its president Ranjit Singh Raina threatening

that his union would stop fuel supply to Kashmir in the event of the unruly elements in Kashmir not stopping attacks on oil tankers and drivers and conductors. The threat had no impact. With the result, the Jammu-based Petrol Tankers Owners' Association president Anan Sharma announced suspension of supply to the Valley for 72 hours from July 1, saying he could not risk the precious lives of drivers and conductors who had maintained supply line between Jammu and Kashmir against all odds (*Daily Excelsior,* July 2, 2008). Besides, he said: "We have nothing against the people of Kashmir. Our fight is with the PDP, the NC, the Congress and the separatists who incited people to attack our vehicles near Ganderbal and Sanat Nagar depot where green flags were hoisted on our vehicles and drivers thrashed" (*Indian Express*, July 6, 2008). The fuel supply to Kashmir was resumed on July 8 (*Ibid.,* July 9, 2008).

The hope that the supporters of the separatists would desist from attacking vehicles and thrashing and beating the non-Kashmiri truck drivers and conductors got belied on July 9 and 10, when several trucks belonging to Jammu and other parts of the country and truck drivers again came under attack at various places in the Valley, including Srinagar and Tangdhar (*Amar Ujala,* July 10 & 11, 2008). The developments in Kashmir led the Petrol Tankers Association to organize on July 10 a strong protest at Narwal, Jammu, where its president Anan Sharma once again announced suspension of fuel supply to the Valley. Supply was again resumed after the SAYSS called off *bandh*, but the miscreants in Kashmir continued their attacks on trucks and drivers and conductors. They attacked and damaged a large number of trucks and severely thrashed non-Kashmiri drivers on August 4, 7, 19, 20, 21 and 22. All these attacks caused injuries, some very fatal, to no less than 200 truck drivers. Some of the drivers had been held hostages for more than one month (July 21-August 21) and tortured and abused by the extremists (*Dainik Jagran,* August 22, 2008). All these attacks were enough to cause terror and fear among the community of non-Kashmiri drivers, including Punjabi drivers. The result was that they refused to carry goods to Kashmir (*The Tribune*, August 21, 2008). The worst part of the whole situation was the failure of the authorities to provide security to the non-Kashmiri drivers by the police, which otherwise provided a foolproof security to the Kashmiri drivers and trucks owned by the people of the Valley (*Dainik Jagran,* August 21, 2008).

The authorities ensured enough supply of all essential goods, including petroleum products, fruits, medicines, grocery items and so on to the Kashmir Valley. Everything was available in plenty. Governor N.N. Vohra, Chief Secretary S.S. Kapur, the army generals and the Union Home Minister repeatedly declared that the national highway was fully secure and that the trucks between the two regions were plying smoothly. Even the Jammu-based truck drivers punctured repeatedly the separatists' economic blockade bogey. CCI president Ram Sahai termed the charge of economic blockade as a "blatant lie bandied by separatists to whip up passions, while authorities in the Valley do admit that there are 'some" disruptions in supplies". "Supplies were disrupted in the entire Jammu and Kashmir, just not the Valley", asserted Ram Sahai (Indo-Asian News Service, August 21, 2008).

There was consensus among the authorities on three issues: Many truckers were reluctant to carry the supplies since the fear was still there and the massive protests in Kashmir and firing incidents had sent them back; the separatists raised the economic blockade of Kashmir as a "rallying" point by unleashing a "misleading propaganda"; and the situation was being exploited to raise demands and slogans for opening the cross-LoC route for trade and movement of goods.

That there was no economic blockade of Kashmir could be seen from the fact that on July 30 and 31 and August 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 and 18 and 19 to 21 as many as 1015, 1023, 816, 506, 326, 120, 328, 188, 205, 271, 322, 487, 220, 113, 201, 199, 37, 904 and 2839 trucks, respectively, reached Kashmir carrying all essential goods. Similarly, the total number of trucks which reached Jammu on the said dates was 1076, 725, 434, 286, 209, 386, 246, 344, 363, 288, 359, 716, 301, 323, 432, 385, 66, 1037 and 2703, respectively, carrying fruits and other items (*Dainik Jagran,* August 24, 2008). Between August 22 and 30, no less than 1216 trucks from Punjab and other states carried essential goods to Kashmir and these included ration, goats and sheep, chickens and eggs, LPG cylinders and so on (*Ibid*., August 30, 2008). If one goes by the official figures, the number of trucks, which crossed Jawahar Tunnel that connects Kashmir with the rest of the country between July 31 and August 15, was as high as 13,000, of which 2,900 trucks carried fruit and vegetables to Jammu and other markets in different parts of the country (*Indian Express,* August 15, 2008).

Again, that the Kashmiri separatists were out to further their pan-Islamic agenda and that they were not really interested in exporting fruit to the Indian markets could also be seen from the outright rejection of the Fruit Growers and Dealers president, Ghulam Rasool Bhat, of the proposal that the government was prepared to "transport fruit to the various markets across the country in the army trucks" (*Ibid.*, August 10, 2008).

The aim of the Kashmiri separatists was to arouse anti-India feelings in the Valley through the bogey of economic blockade. Their single-point agenda was to put pressure on New Delhi so that the Uri-Muzaffarabad route was opened for truck service and the extremists and separatists could make easy money and heighten terrorist-related activities in the Valley with a view to forcing New Delhi to quit Kashmir. Hence, the need for an aggressive disinformation campaign.

Speak a lie a hundred times and it becomes a truth. This actually happened in Kashmir during the Jammu agitation. The Goebbels, the rabble-rousers, the religious extremists and the separatists in Kashmir, who had forced the authorities in New Delhi and Srinagar to revoke the land transfer order, unleashed a no-holds-barred disinformation campaign on August 4 to arouse passions in the Valley and implement their pan-Islamic agenda. Their propaganda blitz sought the people of Kashmir to believe that the "Hindu fanatics" in Jammu had enforced economic blockade against Kashmir and that they had done so to starve them. The Goebbels in Kashmir were bent upon creating an impression outside the Valley that the economic blockade enforced by the "Hindu communalists" in Jammu had led to acute shortage of life-saving and other drugs, mutton, baby food, ration, diesel and petrol and that the Kashmiri society was on the verge of starvation.

The disinformation blitz was started on August 4, when Yasin Malik announced his decision to sit on indefinite hunger strike. That day, he made a very lengthy statement before media persons. His statement was nothing but a bundle of lies. He said: "They (people of Jammu) are trying to repeat the 1947 massacre of Muslims. The administration is hand-in-glove with the agitators, with the criminals. The communal elements are being given free hand to attack the property and life of Kashmiri people…If L.K. Advani has to become the Prime Minister, is the massacre of Muslims necessary? The elections are near

and they are playing the Kashmir-centric card. They have brought people from Haryana, Punjab, Himachal Pradesh and Gujarat. It is a reflection of the 1947 massacre...Unfortunately, a political party (NC) says that the land should be given back to Amarnath Shrine Board...The son (Omar Abdullah) says in parliament that we can sacrifice our life but can't give our land. The father (Farooq Abdullah) says that land should be given back to the Shrine Board. The son is with the UPA and the father with the BJP so that whichever comes to power they can cling to it...The people of Kashmir are not afraid of economic blockade..." (*Ibid.*, August 5, 2008). The People's Conference (PC) joined the disinformation campaign a day later. On August 5, Sajad Gani Lone, chairman of the PC, termed the otherwise non-existent economic blockade as an "act of war against Kashmir" and declared "if a nation is forced into starvation by imposing a blockade, it is an act of war". He did not stop here. He went on and on and said: "The viciousness and brutality of the economic blockade is aimed at subjugation. Economic pressure is being exerted to gain supremacy in the conflict. It is time the people of Kashmir understood its objectives. Even the most fascist states have exempted medicines and essential items from an economic blockade, but communal elements in Jammu do not appear to care. The current economic blockade imposed on Kashmir has no such pretensions. Even milk powder for babies and medicines are not being allowed...This reminds us of the demolition of the horticulture industry in Gaza, including its famed strawberries, when Israelis enforced an economic blockade and strawberries worth millions of dollars rotted...The institutional neutrality of the Indian State demands that if they are actually unable to control the inhuman mobs and vandals in Jammu, let them allow trade through the Muzzafarabad trade route" (*Ibid.*, August 6, 2008).

The same day, Syed Ali Shah Geelani announced that he had decided to form an "action committee against the economic blockade of Kashmir, which will look for other options", and declared that the said action committee would consist of representatives of the APHC, the JKLF, the KHCBA, the Kashmir Chamber of Commerce, employees' unions, fruit growers, the Traders' Federation and transport unions. The arguments advanced by him, Yasin Malik and Sajad Lone were the same. He, like Sajad Lone, talked of truck service between Srinagar and Muzaffarabad (*Ibid*).

PDP patron Mufti Mohammad Sayeed and party president Mehbooba Mufti did not lag behind. They joined the disinformation campaign on August 6. While Mehbooba Mufti declared that Kashmir would import all goods from Pakistan in the event of the "communal elements" in Jammu not lifting the economic blockade (*Dainik Jagran*, August 7, 2008), Mufti Mohammad Sayeed condemned the "continued and escalating economic blockade of the Kashmir Valley as a reprehensible act of shame and chauvinism".

To be more exact, he said: "Treading the footsteps of the vicious communal elements in Jammu, the reported enforcement of the anti-Kashmir economic blockade by BJP functionaries now even in Punjab has started pushing Kashmir towards absolute physical and economic isolation, perhaps for the first time since independence. The non-availability of material has brought development works in Kashmir and some other parts of the state (Muslim-majority area of Jammu) to almost a grinding halt, industries are facing shutdown, drugs and other essential items are becoming scare and exportable goods from Kashmir worth crores of rupees, including fruit and vegetables, are perishing because of the continued economic blockade...It is, perhaps, for the first time that a planned economic blockade is being enforced and facilitated against the Kashmiris in such an organized manner". He concluded his tirade against the people of Jammu with the remark that the Indian State was not that "weak and feeble to secure the safe movement of a few hundred supply trucks on the Delhi-Jammu-Srinagar highway" (*Daily Excelsior*, August 7, 2008). Significantly, the views of the JKPCC vice-president and former Cabinet Minister, Abdul Gani Vakil, were no different (*Hind Samachar*, Jammu, August 14, 2008). Perhaps, he was the only Kashmir-based Congress leaders who openly made common cause with the Kashmiri separatists as far as this issue was concerned.

However, it was on August 9 that the Kashmiri separatists, including Syed Ali Shah Geelani, ably backed by the UJC of Syed Salah-ud-Din, decided to stake the lives of the people of Kashmir by asking them and the truck drivers to march towards Muzaffarabad on August 11. "We have decided to run trucks on the Srinagar-Muzaffarabad road on August 11; the truck caravan will start from Srinagar fruit market and will be joined by other caravans from different markets of the Valley along its route; at Sangrama, they will be joined

by the fruit trucks from Sopore", declared Syed Ali Shah Geelani during the press conference (*Indian Express*, August 10, 2008). *Chalo* Muzaffarabad was the basic upshot of the Kashmiri separatists and they did everything to motivate and instigate the people to tread the suicidal path. "Shrine Board does not need land" was yet another refrain of theirs'.

Earlier on August 6, Mirwaiz Umar Farooq of the APHC had given a similar call and his threat was coupled with the assertion that "we will not give land to the SASB" and that "we are planning to launch another movement calculated to make the Indian army vacate 8 lakh kanals of land, which was under its occupation in Kashmir (*Amar Ujala*, August 7, 2008). Besides, he had demanded division of the state on communal lines and urged the Muslims of Jammu province to join the separatist movement (*Dainik Jagran*, August 7, 2008).

The *Chalo* Muzaffarabad decision enjoyed the backing of the Pakistan-based Jamat-ud-Dawah of Hafiz Mohammad Saeed and Pakistan-occupied-Kashmir-based United Jihad Council of Syed Salah-ud-Din. Hafiz Mohammad Saeed hailed the decision of the Kashmiri separatists and others to "sever their trade ties with India and restore them with Pakistan" and assured Syed Ali Shah Geelani that his "workers would wait for the marchers at Chakothi on the other side of the Line of Control". "We urge Kashmiris to persevere and assure them that they have the backing of entire Pakistani nation", said Saeed, who was also the founder of Lashkar-i-Toiba. On the other hand, Syed Salah-ud-Din denounced Pakistan President Asif Ali Zardari saying that "he doesn't know A B C of Kashmir" and termed him as the "uncrowned king of Pakistan". His grouse against Zardari was that the latter had remained indifferent to the happenings in Kashmir. "It is strange that while Kashmiris are chanting slogans in favour of Pakistan, the governments in Islamabad and Muzaffarabad are silent spectators…If Pakistan is not bothered about the developments in Kashmir, even when people in the state shout Pakistan *zindabad*, Kashmiris are not crazy to continue supporting the cause of Pakistan", Salah-ud-Din said (*Indian Express*, August 14, 2008). What Syed Salah-ud-Din said against Zardari also indicated the extent to which the UJC enjoyed patronage of the Pakistani establishment and Pakistan-based extremist forces.

That the PDP would also join the separatists and participate in the march to Muzaffarabad was a foregone conclusion. As expected, on

August 10, Mehbooba Mufti declared that her party would take part in the proposed march. She justified her stand and said, "It is our right to work with our people in search of an alternative trading route. If Punjab can trade across Wagah-Attari border, why not Kashmir?" "We are usually accused in India of having a nexus with militants. And, in Kashmir, we are seen as a staunch pro-India party. So we cannot hold ourselves hostage to the perceptions. We are fundamentally responding to the call of the fruit traders who fear that the lingering economic blockade on Kashmir would rot their produce. But if it involves sharing the stage with the separatists, we have no problem with that", she also said. So much so, she said that her "workers would constitute a part of the main caravan led by senior leaders Abdul Aziz Zargar and Mohammad Dilawar Mir" (*Ibid.*, August 11, 2008). It was a well-calculated move and was designed to conciliate the people of Kashmir, who were angry with the PDP because it was also a party to the land transfer.

As was expected, a number of human rights organizations, including People's Democratic Forum (Karnataka), Andhra Pradesh Civil Liberties Committee and the People's Union for Democratic Rights, joined the disinformation campaign unleashed by the Kashmiri leaders. Representatives of these organizations visited Kashmir for a couple of days and confirmed that the Jammu agitation had led to "sever restrictions on the movement of goods and people on the Srinagar-Jammu national highway" (*Kashmir Times,* August 27, 2008). It must remain a matter of shame that these human rights activists did not take cognizance of the violent attacks launched by the extremists on the non-Kashmiri truck drivers and that they willfully sided with those who were exploiting the non-existent blockade for forcing India to concede their unsettling demand for cross-LoC trade.

It is hardly necessary to include here the role of the Kashmir-based dailies, private TV channels, writers, commentators and, even media persons of Kashmir origin who were working for the national and international dailies and private TV channels because each one of them worked religiously to propagate the ideology of the extremists and facilitate the implementation of their pan-Islamic agenda. To be more precise, they were part and parcel of the movement.

March to Muzaffarabad

The disinformation campaign unleashed by the Kashmiri separatists and leaders like Mufti Mohammad Sayeed and Mehbooba Mufti had succeeded in inciting the people to tread a path which was fraught with serious consequences and which involved threat to life and limb from the very beginning because no government worth its name would have ever permitted the protestors to move towards Muzaffarabad. This became amply clear when nearly 1.5 lakh people joined the march to Muzaffarabad. It appeared the Kashmiri leaders had pushed the Valley back to the pre-1990 position. For, it was for the first time in 17 years that so many people had taken part in the pro-independence march. It happened despite the fact that most of the top-ranking separatists and prominent fruit traders, including Bashir Ahmed Beig, Ghulam Raool Bhat, Irfan Hafeez Lone and Mukhtar Ahmad Wani were placed under detention on August 9 and 10 and that the Union Home Minister had declared that there would be no march towards Muzaffarabad. Shabir Ahmad Shah of the JKDFP and another Hurriyat leader and chairman of the People's League Sheikh Abdul Aziz perhaps were the only two top-ranking separatists who succeeded in reaching Sopore to lead the march.

The march was not a peaceful affair. The marchers confronted the police and paramilitary forces at different places, besides torching 4 police vehicles and Sheeri Police Station. The police swung into action not because they were marching towards Muzaffarabad, but because the protestors had targetted the police station, torched 4 police vehicles and injured a few policemen. As a result, Sheikh Abdul Aziz, a prominent Hurriyat leader, and 6 other protestors were killed and more than 300 others suffered injuries. According to National Security Advisor M.K. Narayanan, Sheikh Abdul Aziz had been shot dead by one of the participants in the march to Muzaffarabad with a view to provoking a large-scale anti-India violence in the Valley. The killing of Aziz provoked more violence across the Valley. However, the march towards Muzaffarabad continued. This perturbed the army. The reason was that the police and the civil administration had not stopped and dispersed the march on 30 kilometers of the road. The failure of the police and the civil administration forced the army to take everything under its control. It felled massive trees, demolished patches of road

and created many other barriers on the highway from Rampur (Srinagar) to Uri to block the march. In short, it was with great difficulty that the army and paramilitary forces tackled the situation and foiled the attempt of the indoctrinated people of Kashmir to march towards Muzaffarabad.

It needs to be noted that whatever happened on August 11 was not a spontaneous affair. It was the outcome of full-scale preparations and meticulously evolved strategy designed to engineer a revolt against India. In the words of Ahmed Ali Fayyaz of *Daily Excelsior* (August 12, 2008), it was a "completely political", with the processionists carrying "green Islamic flags" and raising such slogans as "*Aay jabiro, aay zaalimo* Kashmir *hamara chhor dou*", *Ham kya chahte*: *Aazadi*", "We want freedom", "*Naka bandi tod dou*", Jhelum Valley Road *khol dou*". That the separatists were out to exploit the situation to their advantage and create more problems for the authorities had become clear on August 10 itself, when, according to the fruit growers/traders, "the separatists formally asked them to follow the Hurriyat programme". It was reported that "a majority of fruit growers, with the intention to keep the march as apolitical as possible, opposed the move" of the separatists, saying "we are traders and don't want to play politics". "We don't want to make it (Muzaffarabad *chalo* programme) a political event or a platform for separatist", President of Fruit Growers and Dealers Association Ghulam Rasool Bhat told the *Indian Express* (August 11) and added "we are being asked by the separatist leadership to include them in this march". There are reasons to believe that it was a biased reporting. Ghulam Rasool Bhat was a known sympathizer of the separatists. It was not a secret. Hence, it is difficult to go by the *Indian Express* report.

Anyway, things assumed dangerous proportions the following day despite the fact the entire Valley had been placed under curfew. Curfew had been imposed following the eruption of violence after the news about the death of Sheikh Abdul Aziz spread like wild wire. By this time, almost all the separatist leaders had been set free. It was obvious that they would exploit the death of Aziz and again put the whole of Kashmir Valley on fire by playing with the emotions of the people and they precisely did that. They instigated the people to defy the curfew and reach Eidgah graveyard, where Aziz was to be cremated. Thousands of people came out of their houses. Led by Syed Ali Shah Geelani, Yasin Malik and Mirwaiz Umar Farooq, they reached the

graveyard. That day, the security forces opened fire at several places in the Valley and the result was 12 more deaths. Three persons were killed in Aribal in Bandipora, three in Lasjan, two in Bagh-e-Mehtab area, one each in Rainawari and Zoonimar (all in Srinagar) and one each in Ganderbal and Ananatnag district. The army also swung into action in the Uri sector, where it stopped hundreds of protestors just two kilometers short of the Line of Control. The protestors were marching towards Sillikot, a place very near the Line of Control. Thereafter, the protestors marched towards Salamabad in order to cross the Line of Control through the Kaman Bridge, but failed because the army and the local police stopped them. The clashes left dozens of protestors injured (*Indian Express,* August 13, 2008).

The situation remained tense in Kashmir during the next three days, including on the Independence Day. General strike, anti-India demonstrations and clashes with and attacks on the army, the paramilitary forces and the police dotted the Kashmir's political scene time and again during these three days. Green Islamic flags and Pakistan flags were hoisted and pro-Pakistan slogans raised at a number of places in the Valley. Syed Ali Shah Geelani, Mirwaiz Umar Farooq and Yasin Malik, besides demanding opening of cross-LoC trade, issued a charter of demands, called "common minimum programme" on August 13 and declared that if the Union Government wanted them to call off the agitation, it would have to accept their new charter of demands. Some of the demands ranged from permission to "import basic necessities and export perishable fruit" to withdrawal of the Armed Forces Special Powers Act and Disturbed Areas Act to "withdrawal of cases against Kashmiri youth implicated in 'false' cases" to "release of all 'freedom fighters' under detention". (*Times of India,* August 14, 2008).

The army and the paramilitary forces maintained restraint because of pressure from the higher authorities, who had just then ordered the transfer of the CRPF Inspector General Sunil Kumar Jain from Kashmir to Delhi and deleted his name from the list of those chosen for the President's police medal for their "distinguished services". They were to be given the President's medals on August 15 (*Amar Ujala,* August 23, 2008). Disgusted, Sunil Kumar Jain, instead of going to Delhi, proceeded on a long leave. The Union Home Ministry transferred Jain or took this extreme step at the insistence of the APHC, the PDP and the NC, thus indicating its inability to withstand the separatists' pressure

and lowering the morale of the security forces in a region known for rabidly anti-India activities (*Dainik Jagran,* August 15, 2008). (The crime of Sunil Jain was that he had to use force for preventing the surging, threatening and anti-India crowds from advancing towards Muzaffarabad on August 11. 22 protestors had lost their lives in the police firing that day.)

But the authorities had punished Additional Superintendent of Police, Kathua, Binam Tosh, on August 4 as well, but for another reason. He had been transferred from Kathua on the ground that he had "shown anti-Muslim behaviour" while discharging official duties. The specific charge against him was that he was "ineffective and lax when mobs burnt down a dozen of hutments of Muslim Gujjars" (*Indian Express,* August 5, 2008). On the other hand, the authorities did not punish the Senior Superintendent of Police, Samba, who was held squarely responsible by the people for the brutal murder of two young protestors, Jugal Kishore and Sunil Singh, on August 1. The people of Samba and the SAYSS lodged strong protests against the gruesome killings of these two protestors and demanded action against the Senior Superintendent of Police, but nothing came out of their repeated pleas. He was transferred but after several days and with considerable reluctance. The transfers of Sunil Jain and Binam Tosh as punishment and no action against the Samba Senior Superintendent of Police left no one in any doubt that the authorities would punish those police officials who, according to the fundamentalists, were "anti-Muslim" and let those go scot-free who would kill the protestors in Jammu or subject them to torture as, for example, Deputy Superintendent of Police, Jammu, Mohan Lal Kaith.

The soft attitude of the authorities towards the separatists in Kashmir and those police officials who had let loose a reign of terror in Jammu and hard attitude towards the security forces who staked their lives for protecting and advancing further the paramount national interests in the Valley simply served to embolden further the extremists and the ardent believers in the pan-Islamic concept. As a result, they organized on August 16 a march to Pampore — hometown of Sheikh Abdul Aziz, who was killed five days ago. About one lakh people took part in the rally, which passed off peacefully. Why because Director General of Police, Kuldeep Khoda had instructed the police "not to disrupt it and to allow the people to participate" (*Hindustan Times,*

August 17, 2008). Why because the army was also very considerate. However, in Jammu, the attitude of the army was far from being considerate. The army, on August 8, described the protestors in Jammu as "anti-national" and "provocative". The same army on the same day warned the people of Jammu that "the violent people should know that line drawn or the barrier raised by the army is to be treated as 'Laxman Rekha' and if you cross it and come in the way of the logistic chain then it will be an anti-national activity for us and we will be constrained to open fire with accuracy...Whenever the disruption to normal life will take place we will act" (*Kashmir Times,* August 9, 2008).

It bears recalling that it was none other than the General Officer Commanding IX Rising Star Corps, Lt. Gen. Vinay Kumar Sharma, who had frightened the people of Jammu by making such remarks. There is hardly any reference to suggest that the army had at any point of time used such harsh words for the Kashmiri separatists and extremists.

Reflecting on the Pampore march/rally, Muzamil Jaleel of the *Indian Express* (August 17, 2008), who is known for his fondness for the separatists and extremists, wrote the same day "thousands marched to pay homage, the colour of this mammoth rally was green, its content separatism... The procession was draped in green with slogans in favour of Pakistan".

Syed Ali Shah Geelani, Mirwaiz Umar Farooq and Yasin Malik addressed the Pampore rally and poured venom on India under the very nose of the law and order authorities. While Geelani asked the "mainstream "leaders to say good-bye to the Indian Parliament and join the separatists failing which they would be "socially boycotted" (*The Tribune*, August 17, 2008), the Mirwaiz not only asked the NC and the PDP leaders to join the separatist movement, but also once again reiterated that the elections were no solution to the Kashmir problem. He warned the "mainstream" leaders that any failure on their part to join the separatist struggle would force the people to "throw" them "out of the society". Geelani, in addition, told the audience "Pakistan is the centre of our aspirations and hopes"; "This is the people's movement. The United Nations and the Organization of Islamic Conference should step in and help the people of Kashmir get their right to self-determination" (*Indian Express; Hindustan Times,* August 17, 2008). On the other hand, Yasin Malik described the developments

in Kashmir as a "revolution" and expressed the view that "if we manage to carry it forward with discipline, this revolution will force India to leave" (*Indian Express,* August 17, 2008).

Convinced that the situation was quite conducive for fomenting anti-India troubles in Kashmir and internationalize the Kashmir issue, the separatists organized a march to the office of the United Nations Military Observers' Group (UNMOG) on August 18 ignoring the objections raised by the State Government (*Kashmir Times,* August 18, 2008). Several thousand people took part in the march. They were carrying in their hands green flags and shouting anti-India, pro-independence and pro-Pakistan slogans with the police and the CRPF watching the anti-India activities as mute spectators. The separatists had urged the people to carry green flags and "fly only this flag". (The APHC's flag is green, with the slogan "Nar-e-Taqbeer, Allah-o-Akbar (Divine slogan: God is Great) written in Kashmiri across it.) Besides, the Hurriyat leaders had made it "mandatory for all private vehicles to fly black flags to protest against Indian rule" and exempted cloth merchants from shutdown or asked them to keep their shops open so that the people were able to buy green and black cloth (*Hindustan Times,* August 18, 2008). This led to an acute shortage of green cloth in Srinagar.

That said, the people and the separatist leaders, including Syed Ali Shah Geelani, Mirwaiz, Yasin Malik and Shabir Ahmad Shah, who had assembled at the Tourist Reception Centre's ground, wanted to go to the UNMOG office to submit a memorandum. However, the police and the CRPF did not allow them to reach "collectively" the UNMOG at Sonawar. They were stopped a few hundred yards away from the office. Thereafter, they again assembled at the Tourist Reception Centre's ground, where the separatists addressed the people. The duty of submitting a memorandum to the UN authorities at Sonawar was discharged by the separatists' representatives.

The tone and tenor of the speeches made by the separatists was the same. Their refrains were also the same – "give independence to Kashmir", "no land to the SASB", "it is our land", "withdraw army from Kashmir", "India is an aggressor and violator of human rights", "Kashmir is a disputed territory", "give the right to self-determination", "open roads between Kashmir and Pakistan" and "allow truck service between Kashmir and Muzaffarabad", "Hindu communalists have

enforced economic blockade" and "Hindu chauvinists are butchering Muslims in Jammu". The only new thing was the Syed Ali Shah Geelani's happiness over the developments in Pakistan leading to the resignation of General Pervez Musharraf. He termed his resignation as "good news" and castigated him for "damaging" the freedom movement in Kashmir" (*Indian Express; Kashmir Times,* August 19, 2008).

Valley between August 19 and 30

Life limped back to normal in the entire Kashmir Valley on August 19 after remaining crippled for about 15 days following protests against the non-existent economic blockade. All this happened because the separatists had declared that there would be no strike between August 19 and 21, a period during which they would chalk out a new action plan. Their declaration was coupled with three other announcements – complete shutdown from August 22 to August 24, March to Eidgah on August 22 and March to Lal Chowk on August 25. In between, however, a large number of students, including female students, took to streets on August 21 raising pro-independence slogans. "*Aayi aayi, azadi* (It has come, it has come, freedom" was the slogan the students raised, with the "police and paramilitary forces keeping their distance from the protestors" (*Indian Express,* August 22, 2008).

The separatists made optimum use of this period and mobilized and instigated general public to participate in the Eidgah march in large numbers. The level of participation of the people in the march indicated that the extremists and separatists had succeeded in their game plan. Several thousand people joined the march. According to independent sources, approximately three lakh people participated in the march. During the march, the supporters of secessionists "dismantled hundreds of CRPF bunkers in the capital city". Reporting from Srinagar, Ahmed Ali Fayyaz of *Daily Excelsior* (August 23, 2008) said: "Pakistani and green Islamic flags atop hundreds of vehicles, shopping malls and mobile phone towers of BSNL and Airtel in many parts of the capital city carried tell-tale stories of the government's total surrender before the Hurriyat". According to Musavir Wani of *The Kashmir Times* (August 23, 2008), the "CRPF and police personnel deployed in the Valley…relaxed back and twiddled their thumbs".

It is important to note that several government officials also took part in the march and served refreshments among the marchers. It would

be desirable to reproduce here verbatim the story in this regard published by *Greater Kashmir* (August 23, 2008). The story "We are *Kashmiris* first" read like this: "As sea of people poured to the summer capital's Eidgah, locals apart, even government officials volunteered to provide refreshment mostly beverages to the sea of people who had assembled for the congregational Friday prayers and address by the pro-freedom leadership. From supplying drinking water to the refreshment points, to its distribution, various government departments fed the Eidgah *chalo* marchers amid pro-freedom and pro-Islam sloganeering. The government employees unions have been supporting the consortium. Since morning, the government-owned water tankers were doing rounds of various refreshment points feeding them with potable water, while many such refreshment points were hosted by the government departments themselves. Sources said G.M. Dar, Valley's top official in the Public Health Engineering Department, had directed the district head to ensure adequate supply of drinking water for the Eidgah *chalo* members. 'Since early morning after completing our routine duty, I have been shuttling between various refreshment points feeding them', said a PHE driver at a refreshment point few yards away from the Civil Secretariat. On the other hand, government units like the Power Development Department, Consumer Affairs and Public Distribution Department and UEED had hosted the refreshment stalls on way to the Eidgah where the government officials served the marchers. 'We are supporting the coordination committee because we are Kashmiris first than officials', said Mohammad Shah Dar, president of Electrical Employees' Union, which had a stall at Karan Nagar. The CAPD had its stalls near the department's head office, while another worked on the airport road. Citing reasons for supporting the freedom seeking Eidgah *chalo* procession, the officials say they can't stay away from the rest of the society. Kashmir dispute has reached a turning point and we can't stay away from it because we're a part of Kashmir', argued a senior official. Khurshid Alam, president of Employees' Joint Action Committee, said the government department's had made the refreshment arrangements in coordination with each other. 'It was one of the best services ever done', Alam said while serving refreshment at Eidgah…"

The separatists, including a member of the Coordination Committee spearheading anti-India protests in Kashmir and Muslim

League chairman Masarat Alam, insulted the people of Jammu by asking the Union Government to "see the writing on the wall and withdraw troops from Jammu and Kashmir". (The people of Jammu had never demanded troops reduction. Besides, they had all along fought for a dispensation that could integrate them fully with New Delhi.) At the same time, the separatists like the Mirwaiz, who could not address the Eidgah rally, appealed to the people to participate in another march – Lal Chowk march – on August 25 (*Kashmir Times,* August 23, 2008).

The call for Lal Chowk march evoked adverse response from the government and it happened for the first time during all these days of violent protests in Kashmir. Two factors had, it was reported, prompted the State Government to fail the Lal Chowk march. One was the hoisting of Pakistani flags across the Valley. The other was "checking of identity cards of J&K Police personnel by groups of youth on many roads in the Valley". According to reports, the State Government gave "crystal clear instructions" to the army, paramilitary forces and the police to "immediately" take under their control all the major roads in the Valley and use "whatever force required" to stop movement of vehicles carrying "any type of provocative and anti-national flags" and the "men shouting anti-national, anti-police, pro-militant or pro-Pakistan slogans" (*Daily Excelsior,* August 24, 2008).

The State Government took a few more steps to scuttle the separatists' move to organize the proposed march. It imposed indefinite curfew in nine of the ten districts in the Valley, directed the CRPF and the police to deal with the situation in the Srinagar district and placed under house arrest several separatists. It also banned news and current affairs programmes on local private TV channels. The government took all these steps on August 24, when one person was killed and 30 others injured in police firing. The law and order authorities opened fire at several places when groups of people defied the curfew (*Indian Express,* August 25, 2008). However, the action of the law enforcing authorities did not produce the moral effect in the sense that the crowd defied curfew at more than 50 places in the Valley on August 25 as well, which compelled them to open fire at several places leading to 4 deaths and injuries to 200 others (*Daily Excelsior,* August 26, 2008). The Union Government blamed the separatists for vitiating the situation in Kashmir (*Kashmir Times,* August 26, 2008). Union Home Secretary Madhukar Gupta said the curfew in Kashmir was imposed to "send a

clear message to the separatists that enough is enough". "Enough is enough. Things can't go like this way. There was no logic in their (separatists) programme today", Madhukar Gupta told reporters in New Delhi (*State Observer*, Jammu, August 26, 2008).

In the meantime, Syed Ali Shah Geelani declared in unequivocal terms that "our aim is to set up Islamic *Nizamiyat*". "Ever since my release from prison on August 7, 2004, I have been spreading my message across Kashmir. I have a three-point target. First is to impose an Islamic *nizam* (jurisprudence) in Kashmir. Islam should govern our lives, be it in our political thought, socio-economic plans, culture or the ongoing movement. The creed of socialism and secularism should not touch our lives and we must be totally governed by the Koran and the Sunnat (precedents from Prophet Mohammad's life). Secondly, I have been propagating that we must fight against anti-Islamic forces. These forces come to our way under the garb of nationalists, secularists, racists, linguistic chauvinists, and so on. Thirdly, I have been telling the youth to work for right to self-determination which is granted to them by the United Nations...", Syed Ali Shah Geelani told Asha Khosa of the *Business Standard* (*The Mandate*, August 24, 2008).

As for the "mainstream" leaders like Farooq Abdullah, Omar Abdullah, Mehbooba Mufti and Mohammad Yousuf Tarigami, they contributed to the rise of this extremism and politics of separatism, based on fanaticism, in their own typical way. Farooq Abdullah not only justified the march to Muzaffarabad, but also warned the people of Jammu that they would have to face "dire consequences" in case they failed to lift the "economic blockade" (*Kashmir Times*, August 14 & 21, 2008). On the other hand, Omar Abdullah not only threatened to resign from parliament to register his protest against "use of force on protestors" on August 11 (*Indian Express*, August 16) and asked New Delhi to start dialogue with the separatists (*Daily Excelsior*, August 25, 2008), but also called for a debate on freedom. "I could go the whole hog and say Government of India should call Pakistan's bluff and say fine, we are ready to give Jammu and Kashmir the right to decide if you are willing to do the same on your side of Kashmir... This is an idealistic, out of the ballpark solution... There is nothing that cannot be achieved by talking to each other..." (ibnlive.com. August 22, 2008). What Omar Abdullah said was not consistent with the views of his father, Farooq Abdullah, who only a few days earlier had dismissed

the idea of Kashmir's freedom as "not feasible" (*Ibid*). Significantly, it was on the same day that the PDP, which, like Omar Abdullah, condemned the "excessive use of force against the protestors" *(Indian Express,* August 16, 2008) also endorsed the suggestion of Kashmir's independence, saying "we as a responsible party will support the will of the people (*Greater Kashmir,* August 23, 2008). As far as Mohammad Yousuf Tarigami was concerned, he urged the Prime Minister to open the roads with Pakistan for giving a fillip to the trade and business of the state, as also to resolve the Kashmir issue "as per the aspirations of the people of the state". "Recent developments have necessitated fulfilling some legitimate demands, including reduction in disproportionate strength of troop, release of prisoners, opening of Srinagar-Muzzafarabad road for trade... ", said Tarigami (*Glimpses of Future*, Jammu, August 22, 2008).

Cross-LoC trade

As mentioned earlier, all the Kashmiri leaders, without any exception, and their supporters in the trading community, other professions and civil society had repeatedly expressed themselves in favour of cross-LoC trade and it was for achieving this goal that they stepped up activities after August 4. They started a full-scale campaign to accomplish their design under the garb of the economic blockade. It would be a grave mistake if one thinks that they demanded opening of Uri-Muzaffrabad route for truck service only after the "Hindu communalists enforced the economic blockade". Similarly, their demand for starting cross-LoC trade could not be termed as a bargain-counter. They had been putting forth this demand, particularly since 2005 and with an ulterior design. Again, it was not for the first time that Yasin Malik or Syed Ali Shah Geelani or Ghulam Rasool Bhat threatened a march towards LoC in August. They had on a number of occasions in the past held out similar threats on one pretext or the other and their objective would always be the same — seek a concession that drives Kashmir away from India and gives its elite absolute, unbridled power to give a particular type of orientation to its polity, economy and society.

Take, for example, what the Kashmiri leaders did on July 5, 2008 itself in this regard. They raked up this demand on that day and at a time when an Indian delegation was about to leave Delhi for Islamabad

for holding parleys with the concerned authorities on July 10 to give a "concrete" shape to the "bilateral decision" to start cross-LoC trade. Almost all the Kashmiri leaders and traders, including Ghulam Rasool Bhat, asked the Union Government to immediately open the Uri-Muzaffarabad route so that the "economic blockade enforced by the Hindu groups agitating in Jammu" could be defeated (*Kashmir Times*, July 6, 2008). So much so, Ghulam Rasool Bhat "appealed to the Pakistan government to come to the rescue of Kashmiri population by allowing Kashmiri trucks to cross the LoC to sell their produce in Rawalpindi" (*Ibid*). And, they put forth this demand at a time when the violent attacks on the Jammu and Punjab-based truck drivers and oil tankers had led to the suspension of fuel supply to Kashmir. That means first they created a situation that led to some temporary disruption in the movement of traffic between the two regions and then used it as a weapon to malign the people of Jammu and the Indian State and weaken the Indian position in the state. Before July 1, everything was normal, notwithstanding the mass upsurge in Jammu. Things changed only when the votaries of the state's secession from India thrashed and humiliated the non-Kashmiri truck drivers. Had the state government nipped the evil in the bud and behaved in the fashion the institution of state behaves, there would have been no disruption in the traffic movement at all.

But such disruptions in the state were normal and these happened at regular intervals either due to natural calamities, including land slides due to heavy rain or otherwise and heavy snowfall, as also due to the people's protests on the highways over issues ranging from erratic power supply to scarcity of safe drinking water to detentions — legal or otherwise. It was not just the people of Kashmir who suffered from such temporary disruptions. The people of Jammu too had suffered on this count on a number of occasions. Even during the days of agitation, the people of Jammu province suffered immensely due to the general strike and prolonged curfew. On several occasions, the people had to stand in long queues at petrol pumps and wait for hours as only two petrol pumps had been permitted by the authorities to sell petrol and diesel in the Jammu city. It was Jammu, and not Kashmir, which had suffered more as compared to the latter because the authorities saw to it that things reach Kashmir in plenty without any break, and at whatever cost, and in Jammu to control the agitators they vigorously enforced the curfew restrictions. The people of Jammu suffered intensity on

account of non-availability of milk, ration, vegetables and what not, including poultry items and mutton. The picture about disruption of essential supplies would have been an eye opener for everybody, had the authorities in the state and at the Centre issued comparative statements on the situation in Jammu and in Srinagar. This was needed the most to silence the critics, but the government did not do for reasons better known to them.

Government response

Significantly, the Union Government and Governor N.N. Vohra, who had done nothing during all these days to pacify the agitating people of Jammu, was more than willing to open the Uri-Muzaffarabad route for truck service overlooking the pernicious views of Mirwaiz Umar Farooq, Yasin Malik and others of their ilk. The Mirwaiz had said that the opening of cross-LoC trade through Uri-Muzaffarabad road would be the "first step towards Kashmir's economic independence". On the other hand, Yasin Malik had said: "Freedom is closer, after the opening of cross-LoC trade" (*Kashmir Sentinel*, February 2009). The response of the Union Government was also disturbing because it had ignored the fact that the pan-Islamic economic mafia had always attached utmost importance to the "increased porosity of Line of Control in Jammu and Kashmir" because it would help it in matters relating to "drug trade, *Hawala* transfers and counterfeit money"(*Ibid*). It should have taken cognizance of all this, plus the interest shown by the Dubai-based Kashmiri Muslim traders in the cross-LoC trade. After all, these were all matters of grave concern.

It is very significant to note that the Union Home Minister had himself said on a couple of occasions after August 9 that "the situation is being exploited to raise demands and slogans for opening the cross-LoC route for trade and movement of goods". He had said so in Srinagar and New Delhi while reflecting on the circumstances leading to some temporary disruption in the traffic movement and suspension of supplies to the Valley. Obviously, this was the stand of the Union Government. Thus, instead of isolating the handful of evil-intentioned elements in Kashmir, who were squarely responsible for putting the people on the road to separation, the Union Government buckled under their pressure and put at stake the paramount sovereign interests of the country to help the fundamentalists force down the people's throat a pernicious ideology.

The need of the time was to review its stand on the cross-LoC trade. Instead, the Union Government went ahead to accommodate fissiparous tendencies and announced that it would send a delegation of chambers of commerce on either side of the Line of Control to discuss the various aspects of this trade. At the same time, it blamed Islamabad for the delay.

The Union Government took the stand after August 9 and the stand was: "To begin cross-LoC trade as soon as possible, India proposed that trade begin immediately on the basis of the lists of items proposed by each side for import and export. Pakistan, however, presented a fresh list, common for both imports and exports and certain other conditions. When pressed, the Pakistan delegation agreed to reconsider so that trade could proceed on the basis of the earlier agreement on the basis of agreed lists for import and export of both sides. We had emphasized to Pakistan that they should not insist on procedural issues raised by them as that would tie up the whole issue in a morass of red tape and further delay the initiation of cross-LoC trade. India is ready to commence cross LoC trade, but awaits Pakistani willingness to implement the agreement reached in April 2005" (*Indian Express,* August 17, 2008). Subsequently, the Ministry of Foreign Affairs clarified that India had indeed proposed the reopening of the road, but Pakistan had not accepted it. The Union Government took this stand to dispel a view that commencement of cross LoC trade was getting delayed due to India and said: "The facts are otherwise" (*Jammu Jotting,* August 18, 2008). The stand taken by Governor N.N. Vohra was identical (*Amar Ujala,* August 15, 2008) and it was natural.

It needs to be recalled that the Union Government and the Government of Pakistan had agreed as early as on April 15, 2005 to start truck services across the Line of Control to promote trade. It had also been agreed to start truck service between Srinagar-Muzaffarabad to facilitate cross-LoC trade in the first half of July 2006. However, it was on October 21, 2008, that the cross-LoC trade actually started through the Uri-Muzaffarabad route and Poonch-Rawalakot route. An announcement to this effect was made by Prime Minister Manmohan Singh and Pakistan President, Asif Ali Zardari, at New York on September 25. They had met for the first time on the sidelines of the United Nations General Assembly (UNGA) session (*Daily Excelsior,* Sept. 26, 2008).

The decision to start cross-LoC trade was undoubtedly a crowning triumph of the fundamentalists; a victory of the separatist ideology; and a magnificent achievement of those who organized demonstrations in Kashmir flaunting the Pakistani flags, raising anti-India, pro-Pakistan and pro-independence slogans and shouting "Allah-o-Akbar". Indeed, the Union Government rewarded persons known for their anti-Indian and unaccommodating outlook.

Quit Kashmir

The situation in Kashmir had climaxed to the point that the poor labourers from Bihar and Uttar Pradesh, mostly Muslims, had to quit Kashmir. Quit Kashmir call had been given by Syed Ali Shah Geelani and others of his ilk. It is important to note that Geelani gave this highly sectarian call as early as at the beginning of June. He again repeated the call on June 20 (*Kashmir Times,* June 21, 2008). On July 25, several separatist organizations gave the ultimatum to the outside labourers to quit the Valley latest by August 10 (*Dainik Jagran,* July 26, 2008). On August 17, they extended the ultimatum period up to August 21 (*Ibid*., August 18, 2008).

Syed Ali Shah Geelani targetted specifically the labourers hailing from Bihar and Uttar Pradesh. His charges against them were three. One: They were responsible for the "incidents of mysterious disappearances of kids in Srinagar". Two: They were destroying the Kashmiri society by their immoral acts and by encouraging the use of drugs. Three: They came to Kashmir masquerading as highly skilled workers and "change our culture, identity and tradition". "Non-Kashmiri labourers should leave Kashmir so that our life and property can be protected", Geelani said on June 20. At the same time, he asked the locals to "learn greater skills of construction to reduce dependence on outside labourers" (*Kashmir Times,* June 21, 2008).

The statements and ultimatums of the separatists clearly suggested that they were against both the institution of the Indian State and the Indians, be they Hindus or Muslims. It also became clear that they had contempt for everything Indian and that they would surely let loose a reign of terror against the poor labourers in order to cleanse the Valley of non-state subject labourers.

It was hoped that the State Government would act against the separatist organizations and nip the evil in the bud. But it did not happen.

It was expected that the Union Government and the likes of Union Railway Minister Lalu Prasad Yadav would intervene and come to the rescue of the poor labourers. But nothing of this sort happened. Nor did the otherwise very alert and progressive media, especially the national TV channels, take any cognizance of these provocative threats and unlawful and inhuman activities. All this was surprising and disturbing. It was disturbing all the more because the authorities and media persons allowed the likes of Syed Ali Shah Geelani to implement their quit Kashmir agenda unhindered and with utmost ease.

They were the same authorities and TV channels which had raised a hue and cry over similar ultimatums given by Raj Thakre of the Maharashtra Navnirman Sena to the Biharis to quit Maharashtra. It happened some two years ago. They were the same authorities and the electronic channels which had created a furore over the move on the part of certain organizations in Assam to throw the Biharis out of Assam some three years ago. They were the same authorities and media persons who used to eulogize day in and day out "*Kashmiriyat*", saying it was something unique and something very rare and "*Kashmiriyat* means compassion, tolerance and accommodation". And, while doing so, they would always conveniently overlook the fact that Kashmir, which was once a hundred per cent Hindu area and seat and centre of Hindu civilization, had by 1990 become almost hundred per cent Muslim. Significantly, they would also overlook the complaint of Kashmiri commentators like Dr. Sheikh Showkat Hussain who, on as early as June 24, 2008 wrote in the *Greater Kashmir*: "...After failing to curb the alienation of Kashmiri masses, local identity is again being used as a last weapon to perpetuate the status quo. *Kashmiriyat* is projected to serve various objectives. It serves a proxy for Indian nationalism, where the later becomes indigestible for Kashmiris. Secondly, it facilitates confinement of the dispute to Kashmiri speaking areas of the state. A dispute that encompasses an area of more than 220,000 square kilometers becomes a problem of merely 15,948 square kilometers. Since *Kashmiriyat* is a common thread only between the communities living in Kashmir Valley and not those living beyond it, a solution on the basis of *Kashmiriyat* thus makes people of Poonch, Rajouri, Doda and Kargil irrelevant to any discourse relating to a solution based on this reasoning. It is obvious that, like Punjab, Bengal and Pushtun identities, *Kashmiriyat* is continuously being used as a tool of

subjugation to serve the national interests...*Kashmiriyat* as the basis of a solution to the Kashmir problem is being promoted at various levels nowadays. Prior to partition, the term Kashmiriyat was never used by anyone. It was later on introduced by Sheikh Mohammad Abdullah as an antidote against pan-Islamic and pro-Pakistani sentiments..."

Since none came to their rescue, the outside labourers decided to flee from the Valley to escape harassment, humiliation and physical liquidation. In between, the separatists took some concrete steps to implement their quit Kashmir call. On June 30, the supporters of the separatists attacked the labourers at different places in the Valley, including Srinagar, Sopore, Kulgam, Budgam, Magam, Pulwama and Shopian. They stripped some of them naked after dragging them out of their houses, beat them mercilessly and forced them to raise pro-Pakistan slogans. So much so, their savings and other things were looted. The result was that more than 400 labourers fled from the Valley the same day (*Dainik Jagran,* July 1, 2008). On July 24, the extremists exploded a grenade at Batmaloo Bus Stand, Srinagar, where the labourers had assembled for boarding Jammu-bound buses. The grenade attack left five Biharis, including four children, dead (*Ibid*., July 25, 2008). On July 25, no less than 800 labourers quit Kashmir (*Ibid*., July 26, 2008).

Between August 6 and 10, hundreds of labourers migrated from Kashmir to Jammu. One of the labourers, Mohammad Bikar Ansari, told Saroj Razdan of the *Indian Express* that he was "hit badly on his back with a bat at Ram Bagh Bridge in Srinagar" and was asked to "run away from here". Another labourer, Dhruv Chohan, a carpenter, told her that "a group of people confronted him at his hired room in Anantnag" and asked him and two roommates to flee or else they would be "burnt alive". A number of other labourers, who had fled from the Valley, narrated similar woeful tales (*Indian Express,* August 10, 2008).

On August 17, several thousand labourers hailing from Bihar, Jharkhand, Orissa and other states left Jammu for their respective states by different trains after they were threatened by the fundamentalists to leave Kashmir failing which "they would be killed". They, including women and children, had left Srinagar in the intervening night of August 15 and 16 and reached Jammu by buses. One of the labourers from Bihar, Vinay Prakash Yadav, told the *Daily Excelsior* correspondent

at the Jammu Railway Station that "the contractors, who engaged us for different works, personally came to us and made it clear that we have to leave the Valley to save our lives". Abdul Rehman of Jharkhand, who had plaster in his hand, told the same correspondent that "some people intercepted him near Soura few days back and fractured his hand with an iron rod", while asking the "non-Kashmiri labourers" to quit Kashmir immediately. "What to talk of the contractors, who took the advantage of the situation and denied payments due to us, we were even not spared by the drivers of State Road Transport Corporation buses, who charged more than normal fare for shifting us to Jammu", Chandu Ram Prakash of Jharkhand told the correspondent (*Daily Excelsior,* August 18, 2008).

The *Pioneer*, the *Hindustan Times*, the *Indian Express*, the *Dainik Jagran*, the *Amar Ujala* and several other dailies carried a number of heart-rending stories on August 18, all narrated by the labourers at the Jammu railway station. Three of the tales need to be reproduced here in order to help determine the extent to which the religious extremists in Kashmir had turned cruel and anti-Indian state, as also help determine the nature of the State Government and "mainstream" political leadership.

One: Sudhna, a female labourer, told the *Hindustan Times* correspondent on August 17: "We don't even have money to buy tickets to return to our state. Even in Jammu, there is no work due to a complete shutdown. We are almost on the verge of starvation. Please help us".

Two: Abdul Karim of Bihar told the *Dainik Jagran* correspondent the same day: "I had been working as a mason in Kashmir since 1998. We were asked in the past also to quit Kashmir. But we did not follow their dictates considering the fact that they were all Muslims and that they would not cause any harm to their co-religionists. But the types of barbarities they perpetrated on us during the past two days made us believe that they were not Muslims. They were barbarians and anti-Islam. We will not come to Kashmir again".

Three: Chander Shekhar Sharma of Siwan in Bihar, a carpenter by profession, told the *Pioneer* correspondent, Mohit Kandhari, at the railway station: "We had been surviving on one diet for the past ten days as we had no food grain to last long so we decided to move out of the Valley. Kashmir is growing intolerant with each passing day. The situation is taking an ugly turn. Security forces are in disarray in the

absence of tough command. Kashmiri politicians are out in large numbers to add weight to their secessionist dreams. The people are destroying bunkers without facing any resistance. The hands of security forces have been tied tightly by the government. For me, paradise is lost again".

According to the Northern Railway officials, more than 3000 labourers left Jammu on August 17 in half a dozen trains. Again, according to Divisional Traffic Manager, Northern Railway, Ashok Kumar Sharma, "the rush of fleeing labourers at platforms and around the railway station was unexpected". He told the *Indian Express* the same day that "during the last one week, we have provided free tickets and arranged food for over 10,000 labourers, who arrived here from the Valley, on their way to their native places across the country".

The labourers continued to flee the Valley even after August 17 owing to the official apathy. Between August 18 and 31, more than 10,000 thousand labourers, including 60 from Nepal, quit Kashmir in order to escape the wrath of the extremists. Some of them did approach the police for help at several places in Srinagar, but with no result. The police refused any kind of help saying that "they themselves are not safe in the present situation and how could they provide help to outsiders?" (*Indian Express,* August 19; *Amar Ujala,* August 22, 2008).

It is pertinent to mention here that it was not just the outside labourers who had to flee from the Valley. Hundreds of employees, all hailing from Jammu, too, had fled from the Valley in the intervening night of August 14 and 15. They were working in the State Civil Secretariat or they were the Durbar move employees. Paradoxically, it was the State Government, which, instead of taking the extremists head on, made all arrangements for the migration. The State Government made available to them the State Road Transport Corporation buses (*Dainik Jagran,* August 16; *Indian Express,* August 18, 2008).

Mainstream media, commentators and intellectuals

Everyone hails media as the fourth estate and for right reasons. It plays the role of a watchdog. Its fundamental duty is to put things in proper perspective and present an accurate picture of facts at whatever cost. It is the media which keeps a close vigil on everyone who matters and every important development that takes place anywhere in the world. Media exposes the wrongs committed by the persons at the

helm of affairs. It is because of the media – print and electronic –that the people come to know as to what is happening, what are the implications of what is happening and what is its nature, who is who and who does what and who is right and who is wrong. In short, media awakens everyone and makes everyone more and more cautious and watchful. Nations, san objective, fearless and ever-alert media, cannot be termed as such in the real sense of the term. No country, no responsible nation can do without media.

Ironically, the role played by the mainstream media, commentators and intellectuals was not really inspiring. Most of them did not follow the cardinal principles of journalism while reporting and commenting. They sided with the Kashmir-based media and extremists by endorsing their communal formulations like the land transfer order was an act of cultural intrusion and it was Hindu aggression on Muslim Kashmir. The most striking aspect of the whole situation that prevailed in the Valley between June 18 and July 7 was that a number of Delhi-based professional journalists and TV anchors, like the Kashmir-based media, "mainstream" politicians and separatists, were one against the land transfer order. They justified the mass mobilization in Kashmir, as also anti-India demonstrations and shutdowns organized by the religious extremists. When the Congress-led minority government in the state buckled under the pressure and revoked the land transfer order, most of them interpreted the official action as the Kashmir's first major victory against the Indian establishment.

Then started the second phase – mass upsurge in Jammu province. The moment the angry people of Jammu revolted against the Congress and the Kashmir-based leaders of all hues or the moment the Jammu's psyche asserted, a Jammu-based daily and almost all the national channels and a large number of English national dailies unleashed a campaign to tarnish the secular image of Jammu and create an impression the world over that the Jammu movement was violent, reactionary, communal, anti-Muslim and anti-Kashmir. They described the disruption in traffic (caused due to a complete shutdown in Jammu and prolonged curfew restrictions) as an economic blockade of Kashmir. They painted the Jammu movement in lurid colours, which had the potential of creating schism between the Jammu Hindus and the Jammu Muslims and between the people of Jammu and those of Kashmir.

Most of the national channels, including NDTV 24X7, NDTV India, CNN-IBN and IBN 7, presented things in a manner which created an impression that whatever was happening in Jammu was the manifestation of Jammu's communal approach to the land issue. These channels regularly invited the likes of Mirwaiz Umar Farooq, Yasin Malik, Syed Ali Shah Geelani, Mehbooba Mufti, Omar Abdullah, Farooq Abdullah and Sajjad Lone so that they could appear in television shows where they would consistently claim that they were secularist of secularists and poured venom on India and virtually abused the people of Jammu. In the words of A Surya Prakash "all of them appeared defiant, bigoted, communal and anti-Indian, and yet hog a lot of airtime" (*The Pioneer*). So much so, sometimes the anchors themselves shared most of the views of the Kashmiri leaders, hailed them as secular and ensured that the other voice was not heard and suggested whether it was not an appropriate time to discuss the ideas of independence and autonomy. These channels did invite a couple of persons from Jammu to participate in their programmes, but only to show that they were not biased.

The role played by some mainstream commentators and intellectuals was no different. Dhiraj Nayyar, Inder Malhotra, Praful Bidwai, Brij Bhardwaj, Ram Puniyani, Yoginder Sikand, Khursheed Wani, B. Raman, Kuldip Nayar, Harish Khare, A.G. Noorani, Sumantra Boss, Vidya Subrahmanium and Pankaj Mishra all became the part of disinformation campaign, may be inadvertently. None of them ever tried to diagnose the problem. Instead, each one of them expressed views which virtually strengthened the hands of the fundamentalists. Even sophisticated M L Kotru failed to do justice to the profession of journalism.

Dhiraj Nayyar wrote in the *Indian Express* (July 1, 2008): "The current J&K issue, where the state is redistributing land to a religious trust is an example of what should not be done". He again wrote in the same national daily (August 19, 2008): "...The people of the Valley have a right to feel aggrieved: the blockade following the Amarnath land controversy has throttled the economy and livelihood of the people of the Valley...From a purely economic point of view, one can hardly blame farmers in Kashmir wanting to sell their valuable but perishable agricultural and horticultural produce – the second biggest source of livelihood after tourism in Kashmir – to markets in PoK and Pakistan

(the reason cited for the march to Muzaffarabad) if their access to markets elsewhere in India is closed off..."

Rejecting as "irrational" and foolish" the belief that an allotment of a mere 100 acres of degraded forest land to the SASB...would bring about demographic change in Kashmir", Inder Malhotra wrote in *The Kashmir Times* (July 3, 2008): "But then it is only fair to recognize that this atavistic fear runs deep in the consciousness of the Kashmiris, and politicians with an axe to grind or fish to fry would never hesitate to exploit it. On the other hand, the Bharatiya Janata Party, the Vishwa Hindu Parishad, Bajrang Dal et al, throwing all concepts of national interest and fairness to the winds, have unleashed vicious violence in the Jammu region of the state. The SASB's withdrawal of its request for the forestland and the state government's acquisition of the responsibility for all logistics for the annual pilgrimage leaving religious rituals entirely to the SASB, had resolved what was essentially a non-issue to begin with. But the votaries of Hindutva are convinced that the Congress-led state government has 'surrendered' to the separatists to 'appease' the Muslims...One must come to the painful subject of the responsibility for the present happenings of Lt. General S.K. Sinha (retired) who was the Governor of Kashmir until June 26 and in that capacity also chairman of the SASB. But the way he became an activist on behalf of the Amarnath pilgrimage, over which he was at odds with the state government, did cause a lot of friction and tension..."

Again, he wrote in *The Tribune* (August 8, 2008): "...Strangely, the highway folly (blockade) in J&K, with all its dangerous consequences, was the handiwork of not only the Jammu agitators and their supporters in neighbouring areas...Fruit growers of Kashmir wanting to take their perishable produce to Muzaffarabad and beyond were persuaded to be patient. But the separatists anxious to exploit the situation have since reissued the threat with greater vigour. In any case, no one spares a thought for the people beyond Banihal suffering because of disruption of supplies...The minimum demand of the Jammu agitators, backed by BJP president Rajnath Singh, is that the original land allotment should be restored. If accepted, this might create Jammu-like havoc in the Valley. Dr. Abdullah said (in the all party meeting on August 6) that he would have to go to grave of his father, Sheikh Abdullah, to ask whether it was wise to keep Kashmir with India in 1947. He added that some day he 'might need a visa to visit Jammu'.

On the other hand, BJP leader Arun Jaitley stated that 'Kashmir's psyche' having been invoked in the past, it was time to pay heed to 'Jammu's psyche'. It also needs to be stressed that quite apart from what political leaders and activists have been saying, the media has contributed its mite to the mounting and catastrophic conflict. A full-page newspaper article under the screaming headline, 'Hindu Intifada', is a case in point. Some other articles have blandly declared that the struggle of the Hindus of Jammu was an 'apt riposte to *jihadi*' terrorism". He obviously referred to the article of Kanchan Gupta, which was published in *The Pioneer* on August 5, 2008.

Inder Malhota again wrote in *The Tribune* (August 22, 2008): "BJP leaders are crying hoarse that while the people of Jammu are being denied their rights, the separatists of Kashmir are being pandered to. The conflict, they claim stridently, is between 'nationalism and separatism'. It is a strange concept of nationalism that cuts at the very roots of national interest. Will separatism be defeated by creating an almost complete divide between the Jammu region and the Kashmir Valley?"

The views of Praful Bidwai were no different. He wrote in *The Kashmir Times* (July 14, 2008): "...The crisis has taken an even greater toll in the form of a collapse of the political normalization process and an eclipse of the internal peace process in Kashmir. This may lead to a revival of militant separatism and a general shift towards intolerance and assertion of religion-based or communal identities...In Kashmir, the biggest winners from the crisis are the Hurriyat hardliners led by Syed Ali Shah Geelani, who until recently got completely isolated, thanks to his extremist positions. No less important gainers are the leaders of the moderate Hurriyat, led by Mirwaiz Umar Farooq, who have moved from near-isolation and irrelevance to prominence...Nationally, the greatest gainer is the Bharatiya Janata Party, which has cynically exploited the return of the land to the forest department to foment violent Hindu-communal protests...There are no heroes, only villains, in the entire SASB land transfer drama. The greatest villain is unquestionably former Governor Lt. General S.K. Sinha, a BJP appointee, who just days before his retirement on June 4 ordered the state government to transfer 100 acres of forest land to the Board of which he is the president...The land transfer was manifestly illegal and violated the Forest Conservation Act...The Congress should

have removed Gen. Sinha long ago, but didn't. It succumbed to his unreasonable pressure while ignoring the Forest Act, and was guilty of venality and blatant manipulation of the state machinery. Such venality contributed in the past to the alienation of the Kashmiri people from the Indian State, and created a cesspool of grievances and injustices, which the separatists used to their own advantage with help from Pakistan's secret agencies. No less culpable was the National Conference, whose leader, Farooq Abdullah, established the SASB in 2000, thus taking the pilgrimage's charge away from the Muslim family which had discovered the cave in the 1850s...This was a case of the government wantonly interfering with what had been a worthy instance of spontaneous Hindu-Muslim harmony and cooperation – and then messing things up...The BJP, true to its type, has instigated violent protests in many other parts of India by drumming up its favourite but utterly fraudulent slogan of 'Muslim appeasement' and 'anti-Hindu prejudice' on the part of the UPA. This is infusing sectarian divisiveness and communal poison into religious beliefs and rituals. All this can only help the Valley's hard-line separatists revive the *jihadi* militancy which has been on the wane and lost its popular appeal..." He also took the Kashmiri separatists to task and accused them of "giving a religious-communal colour to the issue by deliberately organizing processions to and from the Jama Masjid and the Hazratbal Shrine", but his whole upshot was that the Hindu chauvinists in Jammu and the parties like the BJP were the real culprits.

Again, Praful Bidwai wrote in *The Kashmir Times* (August 18, 2008): "...The Jammu region, home to 5 million people, has witnessed an intensely chauvinist and blatantly communal violent agitation for more than 7 weeks...The agitation has pitting Jammu against Kashmir, Dogras against other ethnic groups, and Hindus against Muslims in ways not considered possible before...The explosion of intolerance in Jammu is reproduced like a mirror-image in the Kashmir Valley, where mainstream parties joined separatists in marching to Muzaffarabad with the ostensible aim of selling perishable fruit in Pakistani Kashmir – just when the economic blockade was lifted...In less than 2 months, the BJP has succeeded in driving an emotional, religious and political wedge between the important regions of J&K – something that *jehadi* separatists working with Pakistani secret agencies couldn't achieve in the nearly 20 years that have passed since the *azadi* movement

erupted...The Centre let the Jammu problem fester. It failed to enforce the law and open the Jammu-Srinagar highway until it was too late. The Centre conceded the SAYSS' demand to drop from its meetings three committee members – from the Valley – on the specious ground that they're part of the problem. What that didn't help. The SAYSS wants the land re-transferred and Governor N.N. Vohra removed. Such demands are vindictive or totally devoid of operational or political rationality. The fact that they're being made so stridently only shows that the BJP wants to prolong the Jammu crisis and milk it for political gains...Why the BJP even brazenly denies that there ever was an economic blockade! Party general secretary Arun Jaitley calls this a 'myth' and contends that the Jammu agitation has been entirely peaceful. In reality, Jammu's militant protestors – who increasingly resemble Hindutva's storm-troopers in Gujarat-2002 in appearance and tactics, have indulged in stone-and acid-throwing attacks on truck drivers...It's truly regrettable that grievances in Jammu, many of them legitimate, took this violent, ugly expression, thanks to communalism's baneful effect..."

Brij Bhardwaj wrote in *The Kashmir Times* (July 14, 2008): "'...Unfortunately, some persons in authority chose to rock the boat by creating an artificial crisis by transferring land belonging to the forest department to the Amarnath Shrine Board...It again provided an opportunity to the elements hostile to India in the Valley to revive their slogans for holding a plebiscite in the state to decide its future as well as insurgency in the state. There were equally strong emotions expressed from Jammu side where Saffronites seized the opportunity to launch their own brand of slogans calling for state integration with the rest of the country and blocking the roads to prevent essential supplies from reaching the Valley...The unfortunate part of the story is where was the need to make such a transfer of land to the Shrine Board and changing the age-old practice of allowing state tourism department making all arrangements for the *Yatra*, including looking after the pilgrims. True that the Governor being a typical soldier was not aware of the sensitivities of local people on the issue of land transfer, but there was no such excuse for taking this step by the state government which had a popular mandate and was being run by politicians more aware of local sentiments...It was also forgotten that the shrine had been discovered by a local family of Muslims...The worst mistake

was made when the management of *Yatra* was handed over to the Shrine Board headed by State Governor... The present crisis was a direct result of Governor trying to take his duties as chairman of the Shrine Board more seriously as compared to his functions as the State Governor... The present controversy... goes against the secular ethos of people of Jammu and Kashmir and spirit of *Kashmiriyat*..."

Ram Puniyani wrote in *The Kashmir Times* (July 21, 2008): "... The Amarnath *yatra* by Hindus is rooted in one of the most syncretic-mixed support structure. The cave where shrine is located was discovery of a Muslim shepherd in 1850s, since when the pilgrimage has started... The spontaneous breaking out of protest in Valley was used by elements like Syed Ali shah Geelani, belonging to the extremist faction of Hurriyat Conference... Congress forced the diversion of the land under pressure from Governor Sinha... In Jammu region, the BJP etc. has inflamed the situation by organizing massive *bandhs*... The J&K BJP... has been communalizing the whole situation... The issues related to autonomy of Kashmir not being respected, the heightened approach of Central Government, the violation of democratic process by constant rigging of elections has resulted in the atmosphere of fear and mistrust amongst Kashmiri people leading to alienation and giving support to separatist elements..."

Again, he wrote in the same paper (August 23, 2008): "... Also the people in the Valley have been suffering either the militancy or the rights violation by the army so their sentiments are on the burning point, needing one separatist group to ignite the issue. A sorry state of affairs! Nothing can match the sufferings of the people of Kashmir, which had a potential for improvement but things are going haywire now. Second was the suffering in the Valley due to the blockade by protestors in the Jammu region... The fact is that this agitation did frighten the truck drivers, excesses were committed on the truck drivers, frightening experience for them on the way, coupled with effective blockade of trucks... In this backdrop the march to Muzaffarabad, capital of Pakistan-occupied-Kashmir, appealed to the people... The tale of Jammu has the other elements. In this predominantly Hindu-majority area, there are many grievances, the major one being the step-motherly treatment to this region by the J&K administration. Always in the policy planning Jammu gets a backseat and Kashmir Valley the first priority. Also the emigration of Pandits from the Valley has been

misrepresented and complex issue of ethno-regional-Pakistan intervention has been presented as a communal one. The emigration of Pandits, a tragedy has been used by the RSS combine to the hilt to create a communal atmosphere. In this scenario, the discontent in the Valley due to reversal of land transfer came in as triggering factor and all the dam of discontent burst... Advani's attempt to present Valley people as anti-national and those of Jammu as national is fraught with dangers...One of the logics given for land transfer was the increase in the number of pilgrims, due to which more facilities and space is needed. The point is, more number of pilgrims is a threat to ecological balance and the Amarnath cave cannot take more pilgrims as that is causing the warming and melting of Shiv Ling, the phallus like structure, revered by the pilgrims. In other such places like Gangotri and Gomukh, because of similar reasons, BJP has been demanding a restriction in the number of pilgrims to protect the holy place and environment. So why these double standards? The answer is too easy to guess, and BJP, a shrewd party realizes that it is not religiosity which is important but its political encashment what matters...All in all Jammu and Kashmir has been treated by the neighbouring countries, Pakistan and India, as a beautiful woman, whom both want to own, irrespective of what she wishes! The so-called patriots are treating the Kashmir issue as a real estate issue, the life of the people does not figure in the calculations of the powers involved in the dispute..."

Endorsing the views of a well-known India-basher and champion of Kashmir's independence, Yoginder Sikand wrote in *The Kashmir Times* (August 9, 2008): "...Interestingly, it (*lingam*) is a relatively recently adopted object of devotion, discovered by a Muslim more than a century ago...In a recent article in the *Economic and Political Weekly*, Gautam Navlakha, a keen commentator on Kashmir affairs, writes that the implications of the recent actions of the state and the ensuing agitations in both Jammu and in Kashmir are 'far reaching'. The SASB, he says, 'runs a virtually parallel administration and acts as a sovereign body' ostensibly promoting Hindu interests. It has been instrumental, he argues, in rapidly increasing the number of pilgrims to Amarnath, which has risen sharply from 12,000 in 1989 to over 4,00,000 in 2007. In order to facilitate this, it has extended the period of pilgrimage from 15 days to two and half months. The Board, Navlakha comments, has 'virtually taken over the functioning of the

Pahalgam Development Authority, laying claims to forest lands and constructing shelters and structures even on the Pahalgam Golf Course'. It has also staked claims to set up an 'independent' Amarnath Development Authority. Already reeling under a sense of siege and fearful of their cultural, religious and ethnic identity being under grave threat, many Kashmiri Muslims saw the SASB as an instrument of the Indian or 'Hindu' state. In such a context, the state's decision to hand over the land to the Board to facilitate the government's patronage of a Hindu pilgrimage in the heart of Kashmir, in a portion of the Valley inhabited almost wholly by Muslims, was seen as further evidence of what many Kashmiris feared – the gradual, state-sponsored Hinduisation of their homeland...By reacting in the violent way that they did to the granting of the land to SASB, Kashmiri Muslim leaders have only helped further exacerbate the already tense relations between Muslims and Hindus and are, like their Hindu counterparts, cynically using the issue to whip up support for themselves. But the threats to Kashmiri identity, whether real or imagined, and blown out of proportion, are not the only reason why the government's decision to transfer the land to the Board provoked such protests. Another issue was the enormous environmental destruction wrought by the pilgrims on the fragile surrounding environment. Human faeces – of almost half a million pilgrims each year – and many tonnes of non-degradable refuse have reduced the Lidder river below the cave into something like a sewer...The state, as well as Hindutva forces, Navlakha points out, are ardently advocating a massive extension and expansion of the pilgrimage...Amarnath is now being used by the state and Hindutva forces to pursue a particular agenda in Kashmir, one which has now rapidly escalated into what appears to be an uncontrollable situation..."

Khursheed Wani of *The Pioneer* wrote in the *State Times* (August 11, 2008): "...The Jammu agitation took place at a time when fruit season was at its peak in Kashmir. Each day, dozens of fruit-laden trucks were making their way to markets in Delhi and other states through the volatile parts of Jammu. Elements in the Jammu agitation targetted these trucks to make their voice heard and felt. This evoked a chain reaction in the Valley..."

B. Raman, Director of the Institute for Topical Studies, Chennai, wrote in the Congress leader-controlled *Kashmir images*, Jammu, (August 14, 2008): "...But the terrorists have failed to achieve so far

in other parts of India through their repeated acts of terrorism, the Government of India and the Bharatiya Janata Party have achieved for them in Jammu and Kashmir – the government through its shockingly ham-handed handling of a sensitive issue and the BJP by its cynical exploitation of the communal tensions arising from the government's mishandling for partisan political purposes with an eye on Hindu votes...Nothing illustrated its ineptitude more dramatically than the casual manner in which it watched without intervening when the decision to transfer a plot of land to the ownership of a board for the maintenance of a Hindu shrine in the Muslim-majority Kashmir Valley was taken by the local administration headed by the Congress party without a proper examination of its likely impact on Muslim public opinion and its likely exploitation by the Muslim radicals, and then when the leaders of the Muslim community protested against it, it was cancelled without examining its likely impact on Hindu public opinion in the Hindu-dominated Jammu division of the state. The agitation launched by the Hindus of Jammu against the cancellation could have been justified if they kept it confined to demonstrations and protests. Instead of doing so, they used the agitation for indulging in deplorable acts such as trying to disrupt communications with the Muslim-majority Kashmir Valley and allegedly preventing the Muslim farmers of the Valley from sending their produce of fruits to the rest of India for sale. This was a dangerous turn in the agitation and was interpreted by many as an economic blockade of the Muslims in order to force them to concede the demands of the Hindus in relation to the transfer of the land...One would have expected the Government of India to have promptly acted in a similar manner to break the alleged economic blockade by the Hindus of Jammu. It did nothing of the sort. It kept fiddling as the situation went from bad to worse. Angered by government inaction, the fruit farmers, instigated by the Muslim radicals and *jihadi* terrorists, decided to take their produce to Pakistan-occupied-Kashmir for sale..."

M.L. Kotru, otherwise known for his objective and dispassionate views, wrote in *Daily Excelsior* (August 16, 2008): "...Congress workers and many of the party legislators too decided to join it (agitation). They had no option considering the mayhem the Jammu agitation had unleashed. The Jammuites probably over-reacted by cutting off the Valley, as it were, from the rest of the country, barring

trucks, laden with supplies from and to the Valley, from travelling along the only land route linking the two capital cities of the state. According to reports, it has caused massive disruption of normal life in the Valley, all sorts of shortages, inflicting needless misery on exporters of perishables like fruit etc... For the separatists in the Valley, it's a handy gift from the former Governor Lt. Gen S.K. Sinha..."

Vir Sanghvi of the *Hindustan Times* published his Sunday article (August 17, 2008) "*Think the unthinkable*". The operative part of his article read: "I reckon we should hold a referendum in the Valley. Let the Kashmiris determine their own destiny. If they want to stay in India, they are welcome. But if they don't, then we have no moral right to force them to remain. If they vote for integration with Pakistan, all this will mean is that Azad Kashmir will gain a little more territory. If they opt for independence, they will last for about 15 minutes without the billions that India has showered on them. But it will be their decision. Whatever happens, how can India lose? If you believe in democracy, then giving Kashmiris the right to self-determination is correct thing to do. And even if you don't, surely we will be better off being rid of this constant, painful strain on our resources, our lives, and our honour as a nation. This is India's century. We have the world to conquer – and the means to do it. Kashmir is a 20^{th} century problem. We cannot let it drag us down and bleed us as we assume our rightful place in the world. It's time to think the unthinkable".

Arundhati Roy, the winner of the 1997 Booker Prize for her novel *The God of Small Things* and who declared years ago that she was "seceding from India" and declared in the United States that "there is no democracy in India (*The Pioneer*, August 24, 2008), declared in Srinagar on August 18 that the people had pronounced their verdict through massive rallies and asked New Delhi to "heed the voice of the people and give Kashmiri people independence" (*Greater Kashmir*, September 5, 2008). She was there in Kashmir on August 18 and attended the anti-India march towards the United Nations office. Roy asserted that the people of Kashmir had made it abundantly clear what they wanted from India. "And if no one is listening to them it is because they do not want to hear. Because this is referendum. People don't need anyone to represent them; they are representing themselves. As somebody who has followed people's movement and who has been in rallies and at the heart or at the edge of things, I don't think you can dispute what you see here" (*Times of India,* August 20, 2008).

Rajmohan Gandhi did not lag behind. He wrote an article in *The Hindustan Times* (August 20, 2008) titled "*Lal before the storm*". It was basically a reflection on the letter written by L.K. Advani to the Prime Minister on August 13 and it was based on wrong premises. It was also an attempt to hoodwink New Delhi and seek major political concessions for Kashmir. What basically had provoked Rajmohan Gandhi, who, in the words of Kanchan Gupta (*The Pioneer*, August 24, 2008), joined the company of Arundhati Roy and, like her, "perverted the truth about Jammu and Kashmir", was L.K. Advani's "nationalists" versus "separatists" formulation, which should not have been contested by him at all. After all, what was happening in the state was a clash between two diametrically opposite ideologies.

On August 21, 2008, *The Times of India*'s lead editorial "*Mission Kashmir*" asserted and suggested: "Article 370 is an article of faith born out of the terms under which Jammu and Kashmir joined the Indian Union. It is more than a legal clause that determines relations between Srinagar and New Delhi. The controversial provision is loaded with symbolism and tampering with it will only strength the separatist argument that Hindu India wants to dilute the unique character of Kashmir. Clearly, the Han Chinese model of national integration practised by Beijing in Tibet is not an option that can be supported, for moral as well as practical considerations, by those who want a genuine resolution of the dispute. That leaves us with the autonomy option. This seems to be the only feasible solution at the moment...New Delhi should be bold to explore innovative suggestions, including a negotiated return to something like the pre-1953 status of the Jammu and Kashmir State. The present international line of control should stay, but more transit points and trade routes could be opened along the border. Any proposal for autonomy has to be discussed in parliament and a national consensus has to be obtained on it. Political parties must rise above immediate electoral interests and see the long-term gains for the country if this tortuous issue is to be resolved amicably. At stake in Kashmir is not merely the might of the Indian State, but also its ability to be flexible and accommodative within a liberal and democratic framework. The world is watching us. Bold and imaginative leadership on the part of New Delhi as well as Kashmiri leaders is necessary. The Challenge is to negotiate a common ground. Alienation is as much an issue of perception as it is of ground realities. The Kashmiris' sense of fear is a

result of mismanagement of the problem...A spot of skillful statesmanship is urgently required from all sides".

Interestingly, the same day, *The Times of India* carried a story "*Agitation in Jammu and Kashmir: A study in contrast*". Mohua Chatterjee had filed this story from Jammu. She had been specially deputed by the management to cover Jammu and Kashmir. Portions of this story need to be reproduced here as they describe the nature of the movement in Jammu as it was. The story, among other things, read like this: "The peaceful demonstrations in this otherwise bustling city, in stark contrast to the high decibel protests in Srinagar, said it all. If the idea was to play on the contrast with Srinagar in communicating that they have been differentiated against, Jammu's agitationists succeeded in sending across the message quite clearly. In prominence are community *langars* in every locality where daily-wagers and the poor are being fed by households that can cook their meals even as the more than month-long *bandh* continues. The picture is one of bonhomie among citizens, irrespective of denomination. And clearly, any attempt to suggest that a single political party has taken over the movement that the Amarnath Sanghrash Samiti has sustained for 53 days is clearly a non-starter. There is a rare unity to be seen in Jammu for a cause that seems to have built up over years of what the people here see as institutionalized neglect. Also, there is a careful attempt to ensure that it does not take a communal turn. This was clear when a BJP leader confided that a proposal by Baba Ramdev to join the movement by marching up to the Amarnath Shrine with a contingent of sadhus had to be stalled, so that it did not create communal trouble and spoil the 'legitimate demand' to allow the shrine board to use the adjacent land for pilgrims' facilities...It is not easy for a city that thrives essentially on trading and business establishments for 53 days without having any idea as to how much longer they will have to take it..."

An ardent champion of autonomy for Kashmir Kuldip Nayar, himself a victim of the pernicious two-nation theory and originally a resident of Pakistan's Sialkot, wrote in *The Kashmir Times* (August 22, 2008): "...Still the Kashmir Valley was one area in the subcontinent where no communal incident took place after the partition. Sheikh Mohammad Abdullah was at the helm of affairs at Srinagar. Many Hindus and Sikhs had taken shelter there after travelling from Pakistan. Some among them felt insecure. The Sheikh arranged their transport

by tongas to Jammu. (No one had travelled from Pakistan. They had come from Muzaffarabad, part of Kashmir province. They were exported to Jammu because the Sheikh and his party never liked the presence of non-Muslims in the Valley.)...That the religion has played a key role in consolidating the Kashmir community is something which should make the intelligentsia in the country thinks that the status-quo in the state cannot last indefinitely...Jawaharlal Nehru, India's first prime minister, was categorical in his pronouncements that no outsider would be allowed to settle in the state...I can understand the BJP exploiting the situation for its Hindutva ends because it has no faith in India's ethos of secularism...The Valley, Jammu and Ladakh should become a federation so that each unit feels that it has an identity of its own. The over all solution of the Kashmir problem should follow. The idea of blocking the Jammu-Srinagar road...was that of RSS, the BJP's mentor. Thousands of *kar sevaks* were brought from the different states to sustain the road blockade. It is another matter that the army was able to pierce through the blockade and sustain supply of essential goods to the Valley...The threat of Kashmir fruit growers to cross the Muzaffarabad border to take their produce to Pakistan should have made the RSS realize the repercussions of its *bandhs* and blockade..."

Article of Harish Khare of *The Hindu* (August 23, 2008) "*Time for democratic fundamentalism in J&K*" also held the Hindus of Jammu responsible for helping the ISI and Kashmiri separatists regain the lost ground in Kashmir. Khare wrote: "It needs to be understood clearly that the Inter-Service Intelligence of Pakistan and its guns have used the Amarnath *Yatra* controversy to try and retrieve the situation for the hardliners and the militants, who had been pushed off centre-stage. The mobs of self-styled 'nationalists' in Jammu created precedence for the Hurriyat to whip up crowds in Srinagar, Anantnag, Baramulla and Sopore...With Pakistan being internally distracted, the ISI once again has a free hand in Kashmir. It does not require great foresight to suggest that the ISI strategy now is to force a postponement of the October 2008 elections to the Jammu and Kashmir Assembly by creating violence and chaos in the Valley. This strategy is predicted on continued foolishness in the Jammu region..."

The Asian Age's editorial "*What next in J&K: Delhi still clueless*" (August 21, 2008), among other things, said: "...The principal opposition (BJP) continues to be shortsighted enough to press on with

its Jammu-centric Hindu-oriented demand, even when it is plain that unwavering adherence to such a course has helped the initial Amarnath-related tension in Kashmir to be transformed into another quantity, the demand for secession and a publicly demonstrated and defiant mass mood challenging India's authority... The cracks in the Hurriyat came out in the open last Monday when Syed Ali Shah Geelani, Kashmir's stalwart pro-Pakistan separatist figure, publicly exhorted crowds in Srinagar to hail him, rather than anyone else, as their leader. Any meaningful engagement with the Valley will need to be alive to these factors. But that is not likely to be enough if Jammu continues to be on the boil, triggered by sectarian sentiments".

On August 26, 2008, a staunch supporter of Syed Ali Shah Geelani and great friend of Pakistan, A.G. Noorani, who had been consistently opposing the extension of the Central laws to the state ever since 1949 and suggesting India-Pakistan joint control over Jammu and Kashmir, said: "... The Jammu and Kashmir Government's decision on diversion of forest land to the Amarnath Shrine Board that kicked up the unending row between Kashmiris and Jammuites is gravely flawed. The sanction accorded for the diversion as such is void..." (*Kashmir Times,* August 27, 2008). The same day, the same paper carried the London School of Economics' Professor of International and Comparative Politics Sumantra Boss's article "*Kashmir – missed chances for peace*", which, among other things, said: "... The ferment in the Kashmir Valley is a throwback to the turbulent winter of 1963-64, when the theft of what Muslims believe to be a hair of the Prophet Mohammad from Srinagar's Hazratbal shrine ignited massive protests in the Valley. Although the trigger was ostensibly a religious issue, the unrest resulted from pent-up resentment at a decade of Delhi's Kashmir policies, which included the removal from office and incarceration of Kashmiri leader Sheikh Abdullah, the de-facto scrapping of Indian-administered Kashmir's self-rule powers, and the use of police methods to repress protest and silence dissent... The lesson? Frozen conflicts don't stay frozen, and windows of opportunity to make real progress towards solutions don't come often. Stalling on such opportunities can be perilous".

Vidya Subrahmaniam's article in *The Mandate* (August 28, 2008) "*BJP on J&K: reversing its own legacy*" said "the BJP leadership is flirting with danger in Jammu and Kashmir" and asked L. K. Advani to "end the brinkmanship – as much for the sake of the Vajpayee legacy

as his own credibility". She suggested that "the Jammu protests ...resembled the *Ramjanambhoomi* movement, matching in intensity and potential, if not in scale and reach...Protests (in Jammu) have...become lumpenised and violent..."

On August 30, 2008, *The Kashmir Times* carried Pankaj Mishra'a article "*A jihad grows in Kashmir*" – article which was first published in the *New York Times* on August 26. It, among other things, said: "...The Indian Government's insistence that peace is spreading in Kashmir is at odds with a report by Human Rights Watch in 2006 that described a steady pattern of arbitrary arrest, torture and extra judicial execution by Indian security forces – excesses that make events at Abu Gharib seem like a case of high spirits. A survey by Doctors' Without Borders in 2005 found that Muslim women in Kashmir, prey to the Indian troops and paramilitaries, suffered some of the most pervasive sexual violence in the world. Over the last two decades, most ordinary Kashmiri Muslims have wavered between active insurrection and sullen rage. They fear, justifiably or not, the possibility of Israeli-type settlements by Hindus; reports two months ago of a government move to grant 92 acres of Kashmiri land to a Hindu religious group are what provoked the younger generation into the public defiance expressed of late...Hindu nationalists have already formed an economic blockade of the Kashmir Valley – an attempt to punish seditious Muslims...A new generation of politicized Kashmiris has now risen: the world is again likely to ignore them – until some of them turn into terrorists with Qaeda links. It is up to the Indian government to reckon honestly with Kashmiri aspirations for a life without constant fear and humiliation. Some first steps are obvious: to severely cut the numbers of troops in Kashmir; to lift the economic blockade on the Kashmir Valley; and to allow Kashmiris to trade freely across the Line of Control with Pakistan..."

Even after August 31, when the State Government concluded a truce over land with the SAYSS, many mainstream commentators continued their tirade against the Jammu agitation and suggested solutions ranging from greater autonomy to withdrawal of army and anti-terror laws from the state to India-Pakistan joint control over Jammu and Kashmir to general amnesty to porous borders et al. Inder Malhotra's article in *The Asian Age* (September 3, 2008) "*India's 'chakka jam' begins in Parliament*"; Kuldip Nayar's article in *The*

Kashmir Times (September 3, 2008) "*Kashmir on edge*"; J Sri Raman's article in *The Kashmir Times* (September 6, 2008) "*Far right fuels flames in Kashmir*"; Praful Bidwai's article in *The Kashmir Times* (September 8, 2008) "*Ending repression and promoting autonomy: The way out in Kashmir*"; Justice Rajindar Sachar's article in *The Tribune* (September 9, 2008) "*The Kashmir question*"; B. G. Verghese's essay in *The Tribune* (September 16, 2008) "*Polls mean self-determination*"; Humra Quraishi's write up in *Rising Kashmir* (September 13, 2008), based on her conversation with the champion of Kashmir's autonomy, Ajit Bhattacharjea, "*Highway blockade was a disaster*"; "Inder Malhotra's article in *The Tribune* (October 17, 2008) "*Outlook in Jammu and Kashmir*", to mention only a few, all indicated their preference for those fighting a religious war against the Indian State, notwithstanding a few references here and there to the rise of extremism in Kashmir and a couple of references to Jammu suggesting greater autonomy for the state and within that autonomous state some regional autonomy to Jammu.

Take, for example, the solution put forth by Rajinder Sachar (*The Tribune*, September 9, 2008). His solution was: "Of course, the larger question of Jammu's regional disparities with Kashmir will have to be worked out. But that cannot and should not be made an immediate issue. Otherwise, it will muddy the situation. These sensitive questions must necessarily be taken up with the package of the whole of Jammu and Kashmir question. Many friends of this writer in Jammu naively believe that the question of Jammu region needs to be solved before the question of Jammu and Kashmir is taken up. This line of thinking is narrow as it overlooks the larger question of Jammu and Kashmir with international ramifications. Jammu is not shouting '*Azadi*' – the slogan which is now being raised unfortunately in Kashmir after over a decade and which we thought was a thing of the past. It is this alienated mentality which should be conscientiously understood and remedied before a workable solution of different regions of Jammu and Kashmir can be worked out..."

Each one of these commentators and academics talked about Kashmir's identity; Kashmir's aspirations and sensitivities; Kashmir's alienation; Kashmir's grievances; Kashmir's demography, ecology and environment; Kashmir's special history and needs; Kashmir's neglect; Kashmir's belief in liberal and accommodating traditions, secularism

and democratic ethos; Kashmir's hospitality; and so on. Everyone accused Delhi of eroding the Kashmir's identity and breaking promises made with Kashmiri leaders from time to time and urged the authorities to meet the urges and aspirations of the people of Kashmir. Everyone accused the people of Jammu of enabling the Kashmiri leadership to whip up passions in the Valley and helping it and Pakistan by raking up the land issue. Everyone attacked and virtually abused Lt. Gen. S.K. Sinha and asserted that the Amarnath shrine was discovered by a Muslim family. Everyone asserted that the Kashmir-based truck drivers were beaten up by the Hindu chauvinists in Jammu, who also sought to starve the people of Kashmir through the economic blockade. Each one of them held the people of Jammu responsible for the eruption of violence in Kashmir, as also for the rise of extremism in the Valley. Most of them regretted the decision to enhance the pilgrimage period and increase in the number of pilgrims. Some of them even asserted that the SAYSS imported thousands of extremists from different parts of India to ensure that the economic blockade was complete. At least five of them even recommended freedom for Kashmir. A few of them even went to the extent of regretting the location of a Hindu shrine in the land belonging to the Muslim Kashmir.

None talked of the reign of terror unleashed by the Kashmiri extremists against the truck drivers belonging to Jammu and other parts of India. None talked about the migration of thousands of non-Kashmiri labourers from the Valley. None talked about the attacks on the pilgrims in Kashmir or about those who stripped naked not only some labourers, but also some female pilgrims. None talked about the sufferings of the people of Jammu caused due to continuous shutdown and prolonged curfew. None talked about those who were killed during the Jammu agitation. None talked about the brutalities perpetrated by the army, paramilitary forces and the police on the people of Jammu, including women and children. None talked about the needs and aspirations of the people of Jammu. In fact, each one of the commentators and academics dubbed the people of Jammu as villains and the people of Kashmir victims.

There are reasons to believe that it was basically the role of the biased electronic channels, which was primarily responsible for wrong projections. Most of the channels gave a particular slant to the happenings in Kashmir and in Jammu. Had the channels taken

cognizance of the violent attacks in Kashmir on the pilgrims, tourists and on the outside labourers, which took place even before the emergence of movement in Jammu, and had they also taken note of the highly communal formulations coined by the "mainstream" and separatist leaders and highlighted them, the attitude of the mainstream commentators would have been somewhat different, somewhat dispassionate. Since the national channels did not do that, the result was the credence to the disinformation campaign. However, it has to be conceded that even if the national TV channels had presented things in an objective manner, the attitude of some of the mainstream commentators like Gautam Navlakha, Manoj Joshi, Prem Shankar Jha, Praful Bidwai, Ram Puniyani, Pankaj Mishra, Sumantra Boss, Rajmohan Gandhi, Kuldip Nayar, Rajinder Sachar and Arundhati Roy would have remained the same because it was one of their fundamental beliefs that New Delhi had maltreated Kashmir and eroded its identity and special status.

Kashmiri commentators' unhappiness

Interestingly, the Kashmiri-based commentators did not appreciate the mainstream commentators and national media. Some of them accused the "Indian media of committing a crime by subverting the reality instead of throwing light on facts". One of the commentators, Shuhab Hashmi wrote in the *Rising Kashmir* (August 23, 2008): "As the row over Amarnath land and subsequent demand to throw the Muzaffarabad route open for all, continues amid consummation of more lives, this week one more saner voice emerged from the Indian elite. It was of distinguished journalist and former *Hindustan Times* editor Prem Shankar Jha. In the din of Indian media's campaign that there was no economic blockade and Union Home Ministry's 'ever ready' certificate that Pakistan's ISI was behind this agitation, Jha struck with some realities in a show on NDTV on Thursday night. He pooh-poohed the theories that there was no economic blockade and also rejected that this time the resurgence of mass movement in Kashmir was patronized by Pakistan or ISI. Being a senior journalist who has been visiting Kashmir for several decades and is in touch with people on ground in the Valley, Jha maintained that economic blockade existed and that the situation had been boiling for last so many months and it was out of a perception in Kashmir that people were being marginalized…Earlier

Gautam Navlakha, a leading human rights activist, too exhibited honesty and courage to clear many things about Amarnath land and the *Yatra*. Such interventions in the debate which is laden with the sense of so-called 'national interest' among the media of India certainly help the Indian masses understand the situation out of context given by overzealous media persons who do nothing but disservice to their nation. There have been some 'shocking' revelations from the Indian media in the past few weeks. A senior journalist who claims to be the sole Kashmir expert in India went to the extent of branding the 'battle for land' in June as one which was motivated by personal reasons at certain places. He quoted an example in Islamabad (Anantnag) district where an ATM of a bank was damaged and wrote that the bank had refused loan to the person who initiated action against ATM or that the agitation was mainly managed by the National Conference workers to push back its rival PDP in the forthcoming elections. This remained the tone and tenor of most of the national media outlets, which refused to give the real information to the gullible Indian masses. A similar, and one could say 'obnoxious', statement was given by Arnab Goswami on Times Now TV when he said that someone fired from the crowd which resulted in police and CRPF firing killing two dozen people or as he was repeatedly saying that there was no economic blockade. However, he was promptly rebuffed by NC patron Farooq Abdullah, who was on the show. If the thinking of such great journalists of India go on these lines throwing the basic journalistic ethics to the winds, and going by what is being fed to them by intelligence agencies, what kind of discourse one can expect from the Indian intelligentsia! This practice of last over 18 years has badly damaged the public opinion in India over Kashmir. In 1990 when the Indian Army went berserk and 'conducted' mass rape in Kunan Poshpora in Kupwara district it was widely reported by the media. Press Council of India deputed a team of senior journalists headed by another 'luminary' in Indian journalism B. G. Verhgese. After recording the statements in presence of the same army he gave a clean chit to the unit and disputed his own colleagues in Kashmir showing disgrace to the profession of journalism. Such attempts have been repeated off and on by the Indian media to 'save the nation' from militants and Pakistan. But in the longer run this has proven counterproductive as the line of thinking this media has been

pursuing and forcing the masses to pursue is fuelling the fire which appears in Kashmir whenever there are incidents like Amarnath land issue. There is another trend which is set in the Indian media. Whenever there is major agitation or incident the journalists are flown to Srinagar to 'give special version' of the facts to the readers. But the same agitation in Jammu is not being covered by the 'special teams' from Delhi because there is nothing to hide but only the atrocities on a particular community. If the media in Delhi is blindly accepting the government version on economic blockade did anybody bother to have a comparative study of flow of trucks to Kashmir in August 2007 and this year? That would put the picture in black and white and deflate the balloon of government, the Sangh Parivar's brainchild, Sangharash Samiti, and other such agencies. At the time the Indian media is so vibrant its conscious duty should have been to educate the masses. Did any media outlet try to run a series in the newspaper or a channel giving the version of *Yatris* enjoying the hospitality of Kashmiri Muslims during the most troubled times of agitation in Kashmir in June. Free *langars* were organized for *Yatris* as well as tourists. CNN-IBN was perhaps one odd channel which ran half an hour capsule on this. It is imperative for any democracy in the world, not to speak of the largest one, that its people get the real picture from the fourth estate. In the conflict situation where people are at war with establishments, role of media becomes more significant but only when it has a will to deliver with honest thinking and clear goal of reaching the public in a democratic spirit. People like Manoj Joshi, Prem Shankar Jha and Gautam Navlakha are doing a great service to their nation by siding with the truth and reality. One would hope that others should follow suit and help the Indian nation understand what is happening on the ground".

What the likes of Shuhab Hashmi wrote in the Kashmir-based dailies like the *Greater Kashmir* and the *Rising Kashmir* was intriguing and all the more because Kashmir was enjoying a much better press. The people of Jammu had a legitimate complaint against the national media, especially most of the electronic channels, because of its partisan approach to the issue facing them. And yet, the Kashmiri writers and commentators regretted the role of the Indian media. But this was on expected lines. After all, they had at no point of time in the past 61 years appreciated those in the Indian media who had not overtly and unambiguously sided with the Kashmiri separatists and religious bigots.

It can be said without any hesitation that the separatists and the "mainstream" political parties had heightened their activities in the Valley to achieve two immediate goals. One was to create a volcanic situation in Kashmir Valley that would prevent the Union Government from starting parleys with the SAYSS in order to negotiating a truce over the Baltal land and the related issues. The other was to put pressure on the authorities in New Delhi so that they opened the Srinagar-Muzaffarabad route for trade and truck service. The separatists and other Kashmiri leaders had also probably thought that the turmoil and anti-India activities in the Valley, coupled with violence, might make the people of Jammu review their stand on the land issue and withdraw the agitation. Clearly, they were living in a world of the past. The people of Jammu had resolved to continue the agitation for an indefinite period and suffer in the process financial losses and official oppression. It was this rare determination that left the Union Government with no other option but to strike a truce with the SAYSS over the Amarnath land issue.

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CHAPTER – VI

TRUCE OVER BALTAL LAND

The situation in Jammu province started deteriorating with each passing day after June 28. But the complacent authorities, instead of keeping awake at night and taking some concrete measures to diffuse the potentially volatile situation in the region, allowed it to drift and drift. They took no cognizance of the developments in Jammu, including a complete 8-day-long shutdown from June 30 to July 7, massive protests and pitched battles between the protestors and the police. The authorities continued to entertain the belief that the people would soon give up the path of confrontation and resume their normal activities. This turned out to be a wrong impression, as the determined people continued their protests in one form or the other. They did not abandon the path of agitation even after the collapse of the Congress-led minority government and continued to promote their ideological cause and register their anger against the revocation of the land transfer order in their own way. Almost all these activities were outside the confines of the SAYSS.

It was the ambivalent and directionless SAYSS which actually let down the people by suddenly calling off the strike on July 8. It called off the strike despite the fact that the authorities had not conceded its two fundamental demands – recall of Governor N.N. Vohra and restoration of the Baltal land to the SASB. The action of the SAYSS must have pleased the Governor, who on the same day met several delegations and a number of Kashmir-based political leaders, including JKPCC chief Saif-ud-Din Soz, and declared in Srinagar that restoring peace was his top priority (*Kashmir Times,* July 9, 2008). He made this statement at a time when the jubilant Kashmiri "mainstream" leaders and separatists and their followers were celebrating the revocation of land transfer order and describing the same as their first splendid victory against India. He did not even once refer to the developments in Jammu. Nor did he say that he would address the concerns of the people of Jammu as far as the land issue was concerned.

The SAYSS did organize a few programmes after July 8, but none of its activities inspired the people. These were all very low-key affairs. The people, especially young radicals, instead of taking part in the SAYSS-sponsored activities, organized on their own several impressive protests between July 8 and July 22. But neither the Governor's dispensation nor the authorities in New Delhi took any notice of what happened in Jammu province during those 15 days.

Governor's initiative

It was only after July 23 that the prospect of a prolonged agitation in Jammu over the land issue stirred the Governor and alarmed the authorities in New Delhi to an extent. The Governor sent his emissaries in the persons of the State Chief Secretary, S.S. Kapur; Commissioner/ Secretary, Home Department, Anil Goswami; and Director General of Police, Kuldeep Khoda, to Jammu to persuade the local BJP leaders and the leadership of SAYSS to call off the strike, which commenced in the evening of July 23, when Kuldip Verma laid down his life for the Amarnath land. They met local BJP leaders as well as the leadership of the SAYSS both separately and collectively. But nothing came out of these meetings because the Governor's emissaries had nothing to offer except the proposal of dialogue between them and the Governor. They went back to Srinagar empty-handed.

In the meantime, the authorities sought to create an impression that the Governor had extended an invitation to the SAYSS so that the land issue could be discussed and ways and means found to diffuse the situation, but the SAYSS had disapproved of the idea of a dialogue over the issue. The SAYSS reacted immediately and denied that it had received any communication from the Raj Bhawan to that effect. The *samiti*, which was eager for an early settlement of the issue, had not received any specific and formal invitation for talks. It was a fact. The administration and the Governor were issuing general statements that they were ready to talk to the "people of Jammu" and discuss their grievances (*Ibid*., July 25, 2008).

It was on July 30 that the SAYSS received a specific and formal invitation for talks with the Governor, which it most cheerfully accepted. It was a sad climb down from its stated position – "we will not hold talks with the Governor because it was he who became instrumental in the revocation of the land diversion order". The convener of the *samiti*

justified the climb down by saying that "in response to written invitation sent by the Governor himself the leaders of the *Sangharash Samiti* have decided to reply to the offer of talks in writing highlighting our demands" and that not to accept the Governor's invitation would be to send a wrong signal (*The Pioneer*, July 31, 2008). However, he failed to justify the move of the *samiti* to send a delegation to the Raj Bhawan. The eagerness of the SAYSS to meet the same Governor against whom the people of Jammu had been protesting was a clear indication that the *samiti* had utterly failed to feel the people's pulse and that its barge was flapping aimlessly.

The process of dialogue started the following day i.e., July 31. A 6-member delegation led by the SAYSS' spokesman, Tilak Raj Sharma, met the Governor at Raj Bhawan. The talks were bound to fail and it actually happened. After the meeting, which lasted for about 90 minutes, the *samiti* spokesperson said that the "government had nothing to offer" and that the delegation had submitted a letter to the Governor containing "our demands". That the Governor had nothing in his kitty to offer anything concrete to the delegation was a foregone conclusion. He was interested more in ending the Jammu agitation than in meeting the demands of its people. That it was so became evident when his spokesperson informed the media that "the Governor expressed deep concern over the loss of life and property during the past month and sought cooperation of the *Sangharash Samiti* in normalizing the situation, which is causing 'extreme' inconvenience to the public at large, besides leading to huge financial loss". At the same time, he disclosed that the Governor had suggested constitution of an "advisory committee" charged with the responsibility of "looking into the *yatra* arrangements" – proposal turned down by the *samiti* delegation on the ground that the offer was totally at variance with its basic demands and objectives (*Daily Excelsior,* August 1, 2008).

The failure of talks made the Governor to take recourse to the British policy of divide and rule. In other words, he took recourse to a methodology which was calculated to pit certain Jammu-based political leaders and others against the SAYSS and ensure the collapse of the people's movement. He convened an all-party meeting at Raj Bhawan on August 2 to discuss the prevailing situation in the Jammu province and find ways and means leading to the end of the over one-month-

long agitation. After the meeting, which again continued for 90 minutes, leaders of various political parties issued a joint appeal and urged the people of Jammu to "maintain calm and help the administration restore normalcy in the larger national interest". The appeal, among other things, said: "We believe that even the most contentious issues can be resolved through democratic process, based on dialogue and reconciliation. The Governor has held discussions with the *Sangharash Samiti* yesterday and much wider consultations with prominent citizens earlier today, followed by his meeting with us, representing all the political parties in the state. We are committed to continuing our involvement in the dialogue process initiated today and to engage with the representatives of the various groups to evolve an amicable and acceptable solution" (*Ibid.*, August 2, 2008). Officials in the Raj Bhawan had drafted this appeal even before the conclusion of the meeting. The only job of those who participated in the meeting with the Governor was to endorse the contents as contained in the appeal, thus creating an impression that the "saner" elements were with the Governor.

It is very significant to note that most of the leaders, who participated in the meeting, were those whose parties had worked for the revocation of the land transfer order. And, they represented parties like the NC, the PDP, the CPI-M and the CPI (*Ibid.*, August 2). Prominent among those who took part in the meeting included Farooq Abdullah, Ajay Sadhotra, Harbans Singh, Surjit Singh Slathia, Talib Hussain, Mohammad Hussain, Rattan Lal Gupta, T.S. Wazir and Vijay Lochan (NC); Mehbooba Mufti, Ved Mahajan, T.S. Bajwa and M.S. Tariq (PDP); Mangat Ram Sharma, Dharampal Sharma, Amrit Malhotra, Mula Ram and Gulchain Singh Charak (Congress); Mohammad Yousuf Tarigami (CPI-M); and D.K. Rampal and Parveen Kesar (CPI). The local BJP leaders were conspicuous by their absence in the meeting. The Panun Kashmir leaders had also spurned the Governor's invitation.

Governor N.N. Vohra took yet another step on August 5 to divert the attention of the people away from the real issue. He asked the SAYSS to "visit the Baltal area to see the land". His whole objective was, it appears, to tell the *samiti* and the agitating people of Jammu that the SASB was using this land as before and had created facilities for the pilgrims. He wanted to kill two birds with one stone. On the one

hand, he wanted to tell the people of Jammu that their agitation was unwarranted and, on the other, he wished to gain the goodwill of the Kashmiri leaders by telling them that he had offered nothing to the people of Jammu in practical terms. Significantly, the SAYSS did not walk into the official trap. Instead, it repudiated outright the suggestion of the Governor and accused him of "diluting the main issue and hoodwinking the people". At the same time, however, the convener of the SAYSS regretted the decision of the Governor not to invite the *samiti* leaders to participate in the August 1 all-party meeting (*Ibid.*, August 6, 2008). What a pity!

Finding himself in a difficult situation, the desperate Governor constituted a 4-member panel on August 6. It consisted of former Chief Secretary and advisor to the Governor S.S. Bloeria, retired High Court judge G.D. Sharma, Jammu University Vice-Chancellor Amitabh Mattoo and Principal Secretary to the Governor and Chief Executive Officer B.B. Vyas. S.S. Bloeria was the chairman of this panel. The stated objective of this panel was to "carry forward the process of dialogue and discussion so as to amicably resolve the fundamental issues in an acceptable manner" (*Indian Express*, August 7, 2008).

The constitution of this panel created a sort of commotion not only in the SAYSS, but also among the people of Jammu. The reason was the alleged attempt on the part of the authorities to create an impression that the Governor was very considerate and that he had constituted the panel as per the wishes of the SAYSS (*Hindustan Times*, August 9, 2008). A report to this effect in a section of print media had created an awkward situation for the SAYSS leadership and all the more because an impression had already gained ground that the *samiti* leadership wanted to conclude a truce over land at the earliest. Another factor, which had put a question mark on the sincerity and commitment of the SAYSS towards its demands, was its little or no emphasis on the demand relating to the Governor's recall. The very credibility of the SAYSS leadership was at stake. Convinced that it was losing the support of the people at a very rapid pace, the SAYSS lodged a strong protest against the authorities and termed the whole move as "mischievous", an attempt to "malign" its leadership. Its protest evoked an immediate response, with the authorities at the Raj Bhawan informing media that the SAYSS had nothing to do with the process that led to the constitution

of the 4-member panel. However, it has to be conceded that the controversy over the panel had created a sort of suspicion among the people. The damage had been done.

Anyway, the panel remained virtually non-functional till August 23, when it held three rounds of talks with the SAYSS in Jammu. It might have used the intervening period for the behind-the-scene activities to rope in certain weak elements in the SAYSS and create an atmosphere that would help it make the SAYSS toe its line or accept its formula. Indeed, there were persons in the SAYSS who were in touch with the Raj Bhawan and they belonged to the BJP. One of them was also in constant touch with Vice-Chancellor Amitabh Mattoo. It became evident during the meetings of the small core group. A particular senior BJP leader wanted the SAYSS to adopt a mild line, but could not muster courage to open up.

In the meantime, the Governor convened an all-party meeting at Srinagar on the eve of the Independence Day on August 14 to ensure that the day passed off peacefully. It was an all-Kashmiri dominated affair. Addressing the meeting and seeking the support and cooperation of political parties, socio-religious organizations and academia in "restoring peace", he said that he was committed to continuing "dialogue involving the people of all shades of opinion for evolving an amicable solution to all the issues". Besides, he asked everyone concerned to "see things beyond the regional horizons". His main concern was Kashmir, and not Jammu. This became quite evident when he repeatedly told the participants that there was no economic blockade, that the authorities had secured the national highway and that the government would take all steps to ensure "uninterrupted transportation of fruit to the plains" (*Kashmir Times,* August 15, 2008). That he ignored the prevailing situation in Jammu was a reflection on his indifferent attitude to the developments in this province.

It was hoped that he would refer to the causes leading to mass upsurge in Jammu in his Independence Day address. But it did not happen. Instead, he told the people of the state that "whatever might have been the reasons and provocations, the unfortunate outcome had been that trade and tourism had suffered enormous losses" and that "the free and open environment which prevailed earlier in the year, attracting a large number of visitors to the state, had been adversely

affected" (*Daily Excelsior,* August 16, 2008). Nowhere in his very lengthy speech he talked about Jammu and the issue that had put its people on a warpath.

The Governor took three more steps between August 6 and 28 to rope in the SAYSS and solicit the support of the Kashmir-based political leaders, media persons and academia. One: On August 7, his four-member panel extended a formal invitation to the SAYSS for talks (*Indian Express*, August 8, 2008). The SAYSS refused to hold talks with the panel, saying there was no definite agenda. Two: On August 17, the Principal Secretary to the Governor, B.B. Vyas, again sent an invitation to the SAYSS to come to the Raj Bhawan for holding discussions with N.N. Vohra. The SAYSS rejected the offer, saying it was "ready for talks at any appropriate venue (only) in case there is a concrete proposal or agenda to solve the issue" (*The Latest*, August 18, 2008). Three: On August 27, the Governor held discussions with the Kashmir-based political leaders, representatives of media and intellectuals at Srinagar. He held this meeting ahead of holding fourth round of talks with the SAYSS and before making a formal announcement of the proposals agreed in principle by the two sides – the panel and the SAYSS. According to reports, "Governor Vohra, along with his advisor, S.S. Bloeria, who heads the 4-member panel, met senior political leaders, including Farooq Abdullah, Hakeem Mohammad Yasin and Mohammad Yousuf Tarigami, and briefed them about the matters that have been in principle agreed upon both by the government and the *samiti* to resolve the issue". It was also reported that this exercise had been undertaken with a view to taking along those who mattered in Kashmir, including media persons, on board. Another purpose behind this exercise was to ensure that both the political leaders and media persons did not raise any hue and cry after the conclusion of truce over the Baltal land. The Governor was of the view that their role was "pivotal" (*Indian Express,* August 28, 2008).

Even a cursory look at the methodology employed by the Governor would suggest that he had two yardsticks – one for Kashmir and another for Jammu. When he wrote a letter to the State Government on June 28 asking the latter to take back the Baltal land, he did not think it desirable to take the Jammu-based agitating formations into confidence, notwithstanding the fact that the parties like the BJP had already sought

an appointment with him. But when it came to Kashmir, he adopted an altogether different approach. He expressed the desire to settle the Amarnath land issue a number of times, but with a condition. The condition was that the agreement had to be such as was also acceptable to the people of Kashmir. Had he adopted a holistic approach at the very outset, things would have been altogether different. There would have been no agitation in Jammu at all. This was the basic cause behind the very loud clamour in Jammu that the "biased Governor" must be sacked forthwith and New Delhi should replace him with someone who was fair, dispassionate, objective and secular.

Delhi's intervention

Paradoxically, the Union Government, instead of dousing fire in Jammu, adopted the policy of wait and watch. The basic reason behind this approach was the belief that the people of Jammu would not be in a position to sustain the movement for more than a week. The belief had stemmed from the intelligence reports, as also from the Governor's assessment (*Dainik Jagran,* August 6, 2008). The Prime Minister did hold a series of meetings in Delhi on July 3, but he took no concrete step to diffuse the situation in Jammu, despite the fact that it had a cascading effect in other parts of the country and that the BJP and other RSS outfits had by then raked up the issue across the nation in a big way. His main concern was, it appears, to ensure victory of the Congress-led government in the state on July 7, the day Chief Minister Ghulam Nabi Azad was to prove his majority on the floor of the House (*Kashmir Times,* July 4, 2008).

Between July 3 and August 4, the Union Government did not do anything whatever. It continued to watch the developments in Jammu as a mute spectator for more than 30 days. In fact, it left everything to the care of Governor N.N. Vohra, the army, the paramilitary forces and the police overlooking the fact that they had miserably failed to control the situation in Jammu. It was only on August 4 that the Union Home Ministry, at the behest of the Prime Minister, sent a team to the state for an on-the-spot assessment of the situation. The team was consisted of the Home Secretary Madhukar Gupta; the Defence Secretary, Vijay Singh; and the Director General CRPF, V.K. Joshi. In Jammu, the team members met Principal Secretary, Home, Anil

Goswami; Director General of Police, Kuldeep Khoda; GOC 26 Division, Major General D.L. Choudhary; Instector General of Police, Jammu range, K. Rajendra Kumar; and Divisional Commissioner, Jammu, Sudhanshu Pandey.

Expressing concern over the prevailing situation Jammu, the Central team asked the local administration to see to it that communal harmony was maintained, life and property of the people remained fully protected and all communication links to all areas kept intact to ensure maintenance of essential supplies. According to reports, the Central team expressed its unhappiness over the manner the local administration had sought to tackle the situation and directed the local administration to maintain law and order in Jammu with "firmness" (*Indian Express; Dainik Jagran,* August 5, 2008). To be more precise, the basic objective of the Central team was not to cultivate the agitating people of Jammu, but to tell them that they must behave, failing which strict action would be taken against them. The Central team took recourse to this line overlooking the fact that the agitation in Jammu had engulfed the entire region.

The same day, while the AICC president, Sonia Gandhi talked to the BJP national president, Rajnath Singh, the Home Minister, Shivraj Patil, Home Minister met Leader of the Opposition, L. K. Advani. Both of them sought the cooperation BJP leaders in restoring normalcy in Jammu. Shivraj Patil, in particular, told Advani that it would not be advisable to make political capital out of the land issue (*Dainik Jagran,* August 5, 2008). Manmohan Singh, along with the External Affairs Minister, also talked to L.K. Advani and asked him to help the Union Government restore normalcy in Jammu (*Amar Ujala,* August 6, 2008). They talked to him on the issue during the state dinner hosted for the visiting Afghanistan President, Hamid Karzai. Since Manmohan Singh, Sonia Gandhi, Pranab Mukherjee and Shivraj Patil had not suggested any solution to the land issue, the BJP leaders did not come to the rescue of the Union Government and the Congress, which was feeling heat in Jammu due to the anti-Congress and anti-government protests. The BJP was of the view that the Union Government was striving to push the basic issue of restoration of land to the SASB under carpet. The stand of the BJP was that the Union Government should talk directly to the SAYSS, that "some concrete measures are required to bring the

situation back to normal" and that the prevailing situation was the immediate fall-out of the "government's pandering" to the separatists (*Kashmir Times,* August 6, 2008).

It may be noted that the Prime Minister and his colleagues were not averse to the idea of holding discussion with the SAYSS. But its problem was its belief that the SAYSS would not accept anything short of land restoration to the Shrine Board and that the acceptance of this demand would surely "trigger counter-agitation in Kashmir". It was this fear that prevented the Union Government from initiating parley with the SAYSS. At the same time, this fear exposed its weakness for Kashmir and Kashmiri leaders, both "mainstream" and separatists.

First all-party meeting

That said, unable to garner the support of the BJP and convinced that it would be suicidal to depend on the reports of the Governor and intelligence agencies and that the local administration had utterly failed, the Prime Minister decided to convene an all-party meeting at Delhi on August 6 to take stock of the prevailing situation in Jammu and discuss ways and means leading to the resolution of the issue. The decision was taken on August 5. At the same time, the Union Government, which had toyed for some time with the idea of recalling N.N. Vohra from the state, but which ultimately dropped this idea fearing a backlash in Kashmir where the separatists held Vohra in very high esteem because of his views on Kashmir (*Dainik Jagran,* August 6, 2008), asked Governor Vohra to send a report to it containing details on the situation as it prevailed in Jammu (*Amar Ujala,* August 6, 2008). On the same day, the Union Government finalized a draft resolution for the scheduled all-party meeting. It was finalized under the chairmanship of the External Affairs Minister, Pranab Mukherjee. It was based on a "reality report" submitted by the Central team, which had visited the state a day earlier. According to Iftikar Gilani of *The Kashmir Times* (August 6, 2008), the draft resolution was nothing but an "appeal" by all recognized political parties to "lift the economic blockade of Kashmir and open up the national highway hit by the agitation in Jammu region".

Representatives of 36 political formations took part in the all-party meeting convened by the Prime Minister. Representatives of only

three smaller parties could not turn up. The meeting was chaired by Prime Minister Manmohan Singh and attended, among others, by UPA chairperson Sonia Gandhi, External Affairs Minister Pranab Mukherjee, Home Minister Shivraj Patil, Defence Minister A.K. Antony, BJP national president Rajnath Singh, former External Affairs Minister and BJP leader Jaswant Singh, BJP national general secretary Arun Jaitley, Rashtriya Janata Dal leader and Union Minister Lalu Prasad Yadav, former Jammu and Kashmir Chief Minister Ghulam Nabi Azad, NC patron Farooq Abdullah, PDP chief Mehbooba Mufti, CPI-M politburo member Sita Ram Yachuri, CPI general secretary A.B. Bardhan, Janata Dal (United) president Sharad Yadav and Samajwadi Party general secretary Amar Singh.

The meeting, which continued for four hours, was a total flop, as it failed to arrive at an agreed solution to the land issue. There was also controversy over whether N.N. Vohra should be retained or removed. The BJP blamed the Union Government for all the troubles in Jammu and put forth three specific demands – remove Vohra, restore land to the SASB and initiate dialogue directly with the SAYSS (*Amar Ujala,* August 7, 2008). The BJP leaders said that if the Union Government sincerely wished to restore peace in Jammu, it had to accept its three basic demands (*Hindustan Times,* August 8, 2008). Most of the delegates to the meeting agreed with the BJP which held the authorities responsible for the rise of upsurge in Jammu and suggested a dialogue with the SAYSS, but they, particularly the Leftists, like the Union Ministers, did not support the demand seeking Vohra's removal (*Dainik Jagran,* August 7, 2008). Mehbooba Mufti remained on the back foot throughout the meeting because of her party's double and devious role. Farooq Abdullah sought to give an emotional twist to the debate asking the co-delegates to treat the whole issue within the parameters of *Insanniyat* and resolve the same as such (*Amar Ujala,* August 7, 2008).

The outcome of the all-party meeting was a resolution on the lines revealed by Iftikar Gilani on August 5, plus an assurance that an all-party delegation would soon visit Jammu and Srinagar (*Dainik Jagran,* August 7, 2008). Yet another outcome was the statement that the Union Government would talk to the SAYSS directly. The Prime Minister appealed for a dialogue, which will also include those "spearheading the agitation in Jammu". Pranab Mukharjee released the resolution

which said: "The all party meeting is of the unanimous view that an environment must be created where the agitation could be suspended and the issue resolved through the process of dialogue". Incidentally, Shivraj Patil took a different line as far as the inclusion of the SAYSS in the dialogue process was concerned. He told media persons that it was for the State Government to take a decision in this regard. However, both Mukharjee and Patil did candidly acknowledge that the situation in Jammu was "serious" (*Daily Excelsior,* August 7, 2008).

The immediate fall-out of the all-party meeting was the resignation of all the members of the Shrine Board on the same day. The sources in the Raj Bhawan claimed that the board members tendered resignations on their own to enable the Governor to reconstitute the SASB. But, according to insiders, they had been asked by the Governor to resign. The move was actually calculated to divert the people's attention away from the issue and create confusion among them by creating an impression that the Governor's dispensation had started taking corrective measures. That was the reason the move did not evoke any favourable response either from the SAYSS or from the agitating people. In fact, the SAYSS declared that it was concerned with the main issue, and not with the constitution or the reconstitution of the SASB, which was a secondary matter (*Ibid*., August 7, 2008).

However, the SAYSS did welcome the reports that the Union Government would soon invite it for dialogue. "If they have decided to hold talks, it is welcome step. But we will comment on it in detail after we get the invitation officially", the SAYSS spokesman, Tilak Raj Sharma, told media persons the same day i.e., August 6 (*Indian Express*, August 7, 2008). At the same time, the SAYSS rejected the appeal of an all-party meeting that agitation should be called off (*Hindustan times*, August 8, 2008).

All-party delegation's state visit

The Prime Minister did not agree that the first all-party meeting was a futile exercise. He termed the meeting a "good beginning" and hoped to "build on that better". In the meantime, he again solicited the cooperation of the L.K. Advani in defusing the situation in Jammu on August 7, but his telephonic conversation with him yielded no result. Advani told him that his party's "cooperation would depend on

government's initiating a dialogue with the SAYSS" (*Daily Excelsior*, August 8, 2008). It appeared that the Prime Minister still believed that the BJP alone could help the Union government tackle the situation in Jammu or end the Jammu agitation. His belief was flawed. By the last week of July, it had become a people's movement. None, neither the BJP nor the SAYSS, was in full command. In fact, the developments, which started unfolding in Jammu after July 23, had created a situation under which the BJP and the SAYSS had to change themselves in their desperate bid to come up to the expectations of the people. To be more exact, it was the people whose attitude guided the BJP and the SAYSS after July 23, and not the vice-versa.

Perhaps, it was the unsuccessful talks between the Prime Minister and the Leader of the Opposition that made the Union Government send an all-party delegation to the state on August 9, headed by Home Minister Shivraj Patil, to discuss the whole land issue with "leaders" belonging to both the regions and assess the "situation on ground". The Prime Minister's Office, which was monitoring the situation directly, somehow managed an 18-member all party delegation, including 6 Union Ministers, Arun Jaitely of BJP, Amar Singh of Samajwadi Party, D. Raja of CPI, Mohsina Kidwai of Congress, K.C. Tyagi of Janata Dal (United), Naresh Gujral of Shiromani Akali Dal, Akhtar Hassan of Bahujan Samaj Party and R.S. Paswan of Lok Janshakti Party. The Union Ministers – apart from Shivraj Patil—, included Raghuvansh Prasad, A. Raja, Prithaviraj Chavan, Sriprakash Jaiswal and Saif-ud-Din Soz. A "special Plane" was chartered to take the delegation members first to Jammu and later Srinagar.

That the all-party delegation's visit to Jammu would not produce any positive result became quite evident from the Home Minister's August 8 New Delhi statement. Participating in a CNN-IBN programme (Devil's Advocate) anchored by Karan Thapar, Shivraj Patil said: "We will go step by step…This time, we want to hear what they (SAYSS) have to say. We will first hear and cull out common points and do something in such a manner to satisfy all concerned" (*The Kashmir Times*, August 9). Another development that had the potential of derailing the dialogue process even before its commencement was the flat refusal of the SAYSS to meet the delegation. The SAYSS declared on August 8 that it would meet the delegation only if Farooq Abdullah,

Saif-ud-Din Soz and Mehbooba Mufti were excluded from the all-party meeting. "The integrity of the delegation becomes doubtful with the participation of these leaders. The delegation (includes) the main culprits who ignited the fire in Kashmir as well as Jammu region over Amarnath land transfer issue", said the SAYSS leadership (*Ibid*).

It was under this uncertain situation that the all-party delegation reached Jammu. The SAYSS stuck to its stated position. Obviously, this created an awkward situation for the Home Minister. According to reports, "Shivraj Patil took Farooq and Mehbooba to another room and convinced them of the need to get the SAYSS on board." He told them: "It is of no purpose if we fail to include them in the meeting today". Again, according to a report in the *Indian Express* (August 10, 2008), Mehbooba Mufti told the Home Minister: "If they feel this is the hitch, I will not be there…" As for Farooq Abdullah, the paper reported that he was "reluctant and stood his ground", saying "this is my state. These are my people. I am not an outsider and I have to be in the meeting to listen to everybody's viewpoint…" Ultimately, however, Farooq Abdullah relented.

On that day, a number of delegations met the all-party delegation and explained the ground situation, as also the nature of their demands. The BJP, the CCI and the BAJ, which were part of the SAYSS, also met the delegation separately and took the line the SAYSS had taken. The delegation of the SAYSS met the all-party delegation in the afternoon. The process of meetings continued right up to 8.30 pm. Nothing came out of the marathon meeting. It was as unsuccessful as the August 6 Delhi all-party meeting. After the meeting was over, the Home Minister addressed media persons. He did not say anything new. He only reiterated what he had said in Delhi on the eve of the all-party delegation's state visit. He told the waiting media persons, including a large number of correspondents representing international media: "This issue needs to be solved in such a manner that the decision gets wide acceptance from the people of both the regions of the state. While finding such a solution we will also keep in mind that it would not create any further controversy and Shri Amarnath Yatra continues smoothly as is desired by Prime Minister Manmohan Singh while concluding all-party meeting, held at Delhi over the issue recently…For such a solution, dialogue is imperative and we will ask the Governor,

N.N. Vohra, to continue the talks with SAYSS, which is spearheading the ongoing movement, through his advisors and by involving intelligentsia...(*Daily Excelsior*, August 10, 2008).

The Home Minister, instead of offering something concrete to the agitating people of Jammu, practically overruled the possibility of a dialogue between the SAYSS and the Union Government. His statement that "we will ask the Governor to continue talks with the SAYSS" did not mean anything else. Similarly, his statement that the solution had to be such as was acceptable to the people of both the regions was taken by the people of Jammu to mean that they had no place whatsoever in the New Delhi's scheme of things and that the Union Government was out to appreciate the views of the Kashmiri separatists and extremists. But he had expressed similar views in Delhi as well on August 6 during his conversation with the media persons at the end of the first all-party meeting. His statement, however, did serve to indicate that the Prime Minister had perhaps changed his stance as far as the idea of a dialogue between the Union Government and the SAYSS was concerned. In short, the Union Home Minister left the people of Jammu high and dry and disappointed.

The Home Minister took an altogether different line in Srinagar. He was assertive and categorical. After meeting several delegations in Srinagar on August 10, Shivraj Patil told media persons: "Transportation of goods and commuters on Jammu-Srinagar highway would be ensured at any cost and nobody would be allowed to disrupt operation of traffic on 300-km lifeline to the Kashmir Valley...Law will be enforced effectively in entire state and the road will remain open for transportation of perishable and non-perishable goods at any cost...If there's still some damage, we'll assess the loss and pay full compensation on the pattern of relief provided to other states in case of such circumstances...Government would also arrange purchasing of bulk quantity of fresh fruit from fruit growers and local traders. The fruit thus procured would be supplied to students, police and armed forces". Besides, he again reiterated that "solution to the problem (land row) would be churned out which would be equally acceptable to the people of both regions of Kashmir and Jammu" (*Ibid*., August 11, 2008). According to Muzamil Jaleel of the *Indian Express* (August 11), "the main focus was on the economic blockade of Kashmir Valley and

Rajouri, Poonch and Doda districts, besides the attacks on Muslim Gujjars across Jammu province".

Second all-party meeting

The Prime Minister contemplated to organize one more all-party meeting in Delhi on August 12 with a view to discussing the report of the all-party delegation that visited the state on August 9 and 10. In the meantime, the Union Home Minister chaired a meeting of the members of the delegation to "finalize their conclusions", but failed to evolve a consensus. D. Raja and Mehbooba Mufti did not turn up for the meeting (*Kashmir Times*, August 11, 2008).

However, one of the suggestions, which was endorsed by most of the members of the delegation, was that the State Government should go strictly by the Jammu and Kashmir High Court's directives relating to the use of Baltal land by the SASB. Arun Jaitley gave this suggestion. "Stick to two things: The Shri Amarnath Shrine Board Act, a legislation passed by the Jammu and Kashmir Assembly in 2000, that led to the formation of Amarnath Shrine Board and the court directions interpreting its powers and functions regarding the *Yatra*...The rest – land transfer, its revocation and everything else – be treated as null and void" (*Indian Express*, August 11, 2008).

According to Muzamil Jaleel, "the reason why this proposal is not being immediately made public is a possible negative reaction from the *Sangh Parivar*, which is actively directing the SAYSS...Former Chief Minister Farooq Abdullah ...has informally supported the proposal..." (*Ibid*). Muzamil Jaleel's report was based on sources, sources blissfully ignorant about what the *Sangh Parivar* was thinking about the land row. The SAYSS was the creation of the *Sangh Parivar* whose only grievance was that the State Government had subverted the High Court's directions to please and appease the fundamentalist forces in Kashmir. In other words, the *Sangh Parivar* all along stood for the implementation of the High Court's direction in letter and spirit.

The Union Government did convene second all-party meeting in Delhi on August 12. But the Prime Minister did not chair it. The meeting was presided over by Home Minister Shivraj Patil. The outcome of the meeting was on expected lines. The all-party meeting felt that it was imperative that all the groups concerned from Jammu and Kashmir

should work for restoring peace and normalcy in the "sensitive border state" (*The Times of India*, August 13, 2008). The meeting also decided to invite the SAYSS leaders to Delhi for talks on the land issue. "The government will take steps to engage all the groups concerned from Jammu as well as the Kashmir Valley in talks so that the issues could be resolved to the satisfaction of all concerned". Shivraj Patil, D. Raja, member of Rajya Sabha and CPI national secretary, and Ghulam Nabi Azad all sang the same song – "solution acceptable to the people of both Jammu and Kashmir regions"; "sentiments of the people of both Jammu and Kashmir regions would be respected while finding a solution to the Amarnath land row".

However, it was the Union Home Minister who sprang a big surprise when he said: "There is no need to cause inconvenience to the fruit growers. But if trucks are going through Muzaffarabad route, Pakistan should allow the movement. In fact, we have also written to Pakistan in this regard. If our goods get exported to other countries, why will we have a problem" (*Daily Excelsior*, August 13, 2008). He was the same Home Minister who had opposed the Muzaffarabad *Chalo* call just two days ago in Srinagar itself. Talking to media persons, he had said: "If it happens, it will benefit none. We'll do whatever necessary to fail tomorrow's march to Muzaffarabad, It should not be done and it will not be done...There would be no march..." (*Ibid.*, August 11, 2008). The Government, it may be recalled, did act when thousands of Kashmiris, led by the separatists and the PDP leaders, headed towards Muzaffarabad and its action was the punitive transfer of CRPF Inspector General Sunil Kumar Jain.

Union Government's actions between August 14 and 31

After the second all-party meeting, the Union Government adopted a new strategy to tackle the situation in Jammu. At the same time, it took no step whatever to take on board the SAYSS. In fact, it left this task to the care of Governor N.N. Vohra. It was a complete U-turn. It had held out an assurance twice that it would enter into a dialogue with the SAYSS, but it did not keep its word. On the other hand, Prime Minister Manmohan Singh virtually censured the SAYSS and the BJP on August 15, saying that "in this hour of crisis, divisive politics will lead us nowhere...I appeal to all political parties to keep the long-term interests of Jammu and Kashmir and come together to find a permanent

solution to the problem of the state". He said so from the ramparts of Red Fort (*Hindustan Times*, August 16, 2008).

The Prime Minister again took the same line on August 20, when he spoke at a function, organized to give 'Rajiv Gandhi *Sadbhavna* Award'. He said: "...The tradition of harmony in the country is facing a 'grave challenge' with 'divisive forces' being at work in this direction...The country is once again confronting 'forces trying to spread hatred' and disharmony...The culture of harmony (is) the foundation of the Indian civilization...This tradition of *Sadbhavna* faces a grave challenge today" (*Daily Excelsior*, August 21, 2008).

Convinced that the BJP alone could help him restore normalcy in Jammu, the Prime Minister once again sought the help of L.K. Advani. In fact, he wrote a lengthy letter to him on August 23 and assured him that the "government would go by the law and court orders in finalizing its stand" and that the "Centre would not bow to separatists and would clamp down on protests being sponsored by them in the Valley" (*The Economic Times*, Delhi, August 27, 2008). The Prime Minister's letter did indicate that the Union Government had finally decided to resolve the land issue by going in for a solution that did not violate the High Court's rulings on the Amarnath land.

In between, the Prime Minister reviewed the situation in the state on August 16 and 19 and held discussions with the UPA chairperson, the Foreign Minister, the Home Minister and the Defence Minister, as also with "track II actors individually", politicians and top officials (*Daily Excelsior*, August 17, 2008; *Kashmir Times*, August 20, 2008); National Security Advisor M.K. Narayanan visited Kashmir on August 20 to hold discussions with the Governor and chairman of the four-member panel and took a decision to facilitate discussions with all the groups/parties involved in the ongoing agitation in Kashmir and Jammu regions (*Daily Excelsior*, August 21, 2008); and External Affairs Minister Pranab Mukherjee discussed the situation in Jammu and Kashmir with M.K. Narayanan, Intelligence Bureau chief P.C. Haldar and senior officials of the Home Ministry, who had just returned from Srinagar after meeting the Governor and acknowledged that the situation in the state was "serious" and that "Pakistan is trying to take advantage of the situation in the state where separatist groups are raising slogans of secession and the SAYSS is courting arrests..." (*Ibid*., August 21, 2008).

Rigid attitude

The "mainstream" political leaders of Kashmir did not really appreciate the idea of a separate dialogue with the SAYSS. They believed that the acceptance of the demands as put forth by the SAYSS would make their position in the Valley precarious. Hence, they asked the authorities to work out a solution that satisfied the people of both the regions. In other words, they asked the authorities to tread a path that could not be treaded considering the diametrically opposite stands of the Kashmiri leadership and the people of Jammu and the SAYSS.

In fact, Kashmiri leaders like Omar Abdullah, Mehbooba Mufti, Mufti Mohammad Sayeed, Hakim Mohammad Yasin and Mohammad Yousuf Tarigami came out with their own solutions. Describing the dialogue between the government and the SAYSS as a "good step", Omar Abdullah cautioned saying "any talks without a consensus, which do not address the concerns of Kashmir, would yield no results". "It will not only backfire, but will be seen as unfair. You cannot have a solution which will settle dust at one place and foment trouble at another", he told the *Indian Express* on August 25. He also suggested the inclusion of Kashmir Coordination Committee in the dialogue process. He went several steps further and told the *Indian Express* that it was time for the Union Government to settle the Kashmir issue. "If it has begun dialogue on dilution of powers of security forces in the North East, what is the hitch in addressing the demand to revoke the Armed Forces Special Powers Act in Jammu and Kashmir", he told the national daily, and added that "autonomy" was the only solution to the Kashmir problem.

The views of Hakim Mohammad Yasin and Mohammad Yousuf Tarigami were no different. Yasin told the same national daily on the same day that the "political solution has to address Jammu and Kashmir as one entity". "It is unimaginable and unthinkable to see and ask for things in the perspective of a divided state. *Riyasat ki salmiyat kisi bhi surat mein rakhni hogi* (the unity and integrity of the state has to be preserved at any cost), Yasin, in fact, told the paper. Similarly, Tarigami emphasized the need of definite measures having the potential of averting the possibility of the state's disintegration and, at the same time, urged New Delhi to "address political concerns simultaneously". The upshot of his whole formulation was that the authorities must settle

the Kashmir issue and refrain from unsettling the already settled land issue.

The attitude of Mehbooba Mufti and her father, Mufti Mohammad Sayeed, to the ongoing dialogue between the Governor's panel and the SAYSS was very hostile. Mehbooba Mufti warned the government that it should not take a "hasty decision". She, like Omar Abdullah, demanded the inclusion of the Kashmir Coordination Committee, which was spearheading the movement in the Valley, in the dialogue process. Besides, she asked the government to take "all sections of Kashmiri society into confidence" before taking a decision on the land issue. Her refrain was: "Decision should not be taken in isolation" (*Indian Express*, August 25, 2008).

The extent of her opposition to the commencement of dialogue between the government and the SAYSS could be gauged from the fact that she went to Delhi all the way from Kashmir on August 25 to warn the Prime Minister that the exclusion of the Kashmiri leadership from the dialogue process would prove counter-productive. She took this opportunity to also lodge two specific complaints and put forth four specific demands. Her complaints were that the security forces were tackling protestors in Jammu with "kid gloves" and using "iron fist" in Kashmir Valley and that the authorities had gagged and muzzled the media throwing all democratic norms to winds. As for her demands, she asked the Prime Minister to revoke "draconian laws", release all prisoners, open the cross-Loc trade "unilaterally" and start dialogue with the Hurriyat leaders. She supported the Hurriyat leaders to the hilt saying "they are not demanding something new" (*Kashmir Times*, August 26, 2008). In fact, she played the role of the Hurriyat's spokesperson. She again reiterated her stand on August 31 and said that the "decision…should be taken only with consensus and after consultation with the Kashmir Coordination Committee and civil society". As expected, the stand of her father was identical (*Indian Express*, August 30, 2008).

Private effort and its nature

The developments in Jammu and in Kashmir also attracted the attention of certain private persons, including a couple of religious leaders, all desiring restoration of peace in the state. However, they were a divided lot. The Art of Living founder, Sri Sri Ravi Shankar,

advocated one line. Shankaracharya of Puri Swami Adhokshanand Dev Tirth Ji another and the Left-oriented members of civil society, mostly sympathizers of Kashmiri separatists, human rights activists, a couple of historians and a few separatist-friendly journalists, took a line altogether different from the ones taken by Sri Sri Ravi Shankar and Adhokshanand Dev Tirth Ji.

Some of the Left-oriented members of the "civil society" were Anuradha Bhasin Jamwal, Apoorvanand, Arundhati Dhuru, Dhruv Sangari, Dunu Roy, Ganesh Devy, Ghanshyam Shah, Indu Prakash Singh, Jatin Desai, Jaya Mehta, K.M. Shrimali, K.N. Panikar, Kumkum Sangari, Lalit Surjan, Mahendra Sangari, Mansi Sharma, Nandita Das, Ram Puniyani, Saif Ahmed Khan, Sandeep Pandey, Shabnam Hashmi, Tapan Bose, Uma Chakravorty, Vineet Tiwari and Zafar Agha. .

It would not be an exaggeration to say that all these members of the Indian "civil society" do not really believe in the concepts of nation, state, sovereignty, nationalism and borders. Two ideologies — the ideologies of Islam and Communism – do not believe in borders. It is an established fact. The followers of Islam wish to proselytize the whole world or to convert all the "non-believers" into "believers" and the Communists believe in a stateless and borderless society. The concepts of nation, state, sovereignty, nationalism and borders are not consistent with what the followers of Islam and Marxism actually believe in. The followers of Islam and Karl Marx actually despise all these concepts.

Ravi Shankar virtually made common cause with the agitating people of Jammu, but without offending the opponents of land transfer in Kashmir. He came all the way from Germany to Jammu on August 11 for an on-the-spot assessment of the situation. He met the SAYSS' leadership and other prominent citizens to ascertain their views. The next day, he met media persons and reflected on the whole issue. He, among other things, said: "People here seem to be deeply hurt over the revocation of land transfer order…and that's why they have been relentlessly carrying forward the agitation for over one month…Centre should act faster and take steps now to stop things going out of proportions…It was not only the issue of land transfer, but some other long-pending grievances of people were also there which forced masses of Jammu to adopt the path of agitation…People have the right to speak and raise their voice, but peacefully and without causing damage to

others...(National media) should avoid partiality while covering both the regions...Land allotment to SASB will not change the demography of Kashmir...(The formulation is) illogical. If allotment of land for pilgrimage purpose can change the demography, then the entire country would be endangered". At the same time, he also blamed politicians for creating trouble in the state for vote bank politics and asked them "not to incite the people" under the garb of religion. He also opined: "Those who created the situation must have understood that people here can't be taken for granted" (*Daily Excelsior*, August 13, 2008). He was obviously referring to the role of Kashmiri leadership. Earlier on August 4, Ravi Shankar had a telephonic conversation with Governor N.N. Vohra. He had told the Governor that the revocation of the land transfer order was a "grave mistake" (*Amar Ujala*, August 5, 2008).

On August 13, he met a number of Kashmiri separatists, including Syed Ali Shah Geelani. During the meeting, Geelani poured venom on the police and accused the authorities of letting loose a reign of terror in Kashmir. After the meeting, Sri Sri Ravi Shankar appealed the civil society to come forward for "amicable resolution of the Amarnath land transfer issue" (*Kashmir Images*, August 14, 2008).

As far as Shankracharya of Puri Adhokshanand Dev Tirth Ji was concerned, he accused Governor Vohra of provoking the people of Jammu and aggravating the situation in the region. He also accused the Union Government of hatching a conspiracy against the Hindus and asserted that N.N. Vohra was a part of that conspiracy. Recall N.N. Vohra from the state forthwith was his main refrain (*Amar Ujala*, August 5, 2008).

On the other hand, the above-named Left-oriented members of "civil society" wrote a lengthy letter to the Prime Minister (*Kashmir Times*, August 15, 2008). It would be only desirable to reproduce here some portions from this letter to set the record straight and show how biased they were against the Jammu agitation.

The letter, among other things, said: "Foremost of the measures needed is to lift the blockade by the agitators and to restore the supplies to the Valley and transport fruits from Valley to the markets in the country. The death of 5 people in firing in Baramulla is very disturbing, to say the least...The agitation started by SAYSS blocked the route to the Kashmir Valley and there were several attacks on Kashmiris and

Muslims living in Jammu area…Now the material suffering of Valley's people, blocking of their supplies by agitation of SAYSS is threatening to create severe repercussion in the valley the results of which may be very adverse. Amarnath Yatra has been one of the major religious tourism activities of the state, well managed by the local population, mainly Muslims of the area, till 2001, when SASB was formed and it took over the arrangements of the pilgrimage…Gradually the SASB started asserting beyond its mandate, e.g., going on to construct shelters and structures on Pahalgam Golf Course, mainly due to the clout of the Governor, who headed this body. In 2005, SASB, contrary to the laws, was granted the permission to use Forest Land for the tourists. Incidentally, Chief Executive Officer's wife was the forest officer who cleared this highly illegal demand of the Shrine Board. This started the process, which ultimately went out of the hands of the local government…While government initially opposed the order of the forest department, the High Court stayed government's decision…It is interesting to note that Amarnath *Yatra* by Hindus is rooted in one of the most mixed support structures; the cave where shrine is located was discovery of a Muslim shepherd, Malik, in 1850s, since when the pilgrimage picked up…With SASB taking over, it started giving a Hindu tilt to the organizing process and the promotion of *Yatra* went on at a hectic pace…The period of *Yatra* was extended from 2 to 10 weeks and this resulted in adverse environmental effects, tons of human excreta and plastic material converted the nearby beautiful Lidder river into a sewer… Order of the government transferring the land to SASB did result in the threat perception in the already intimidated Kashmiri residents of the Valley. The perception that the land is being given to change the demographic composition of the Valley affected the social thinking. One of the reasons for this perception was the common knowledge there that such a suggestion was given by Shimon Peres, the Israeli Foreign Minister, to Lal Krishna Advani, a few years ago…As such what a tragic pass we have landed ourselves into. Kashmir was the place of highest synthesis of diverse streams of our culture. *Kashmiriyat* stood for values of Vedanta, teachings of Gautam Buddha and the Sufi saints. Sixty years since the treaty of accession has been signed, its clauses were violated with impunity and military solution has been the main instrument of our action. The army, which is meant to fight the external enemy, is the mainstay of our policies there. This

needs severe introspection...There is an urgent need to recognize the wrongs done in the last few years, wrongs which are contrary to the forest laws, and the norms about shrines. Nowhere in the country any holy place has been allotted any part of a forest land, nowhere in the country the assertion and dominance of temple trusts or Dargah boards has been meekly accepted beyond the confines of its own boundaries, as in the case of SASB...The society must prevail upon communal and sectarian elements (in Jammu) to postpone any call for agitation till normalcy is restored in the Valley and results of dialogue process are made public..."

Even a superficial examination of the letter written by the "members of civil society" to the Prime Minister would at once make any impartial investigator to conclude that their line was similar to the one adopted by the opponents of the land transfer order in Kashmir. There is no doubt that their approach was not just lop-sided, but also highly questionable considering its tilt towards those who had given a highly communal orientation to a non-issue to further their separatist agenda. It's no wonder then that none in Jammu appreciated the efforts of this brand of "civil society". Even the interventions of Sri Sri Ravi Shankar had no impact on the over all situation, notwithstanding his very balanced approach to the whole issue. That the private effort would yield no positive results was not altogether unexpected because the nature of conflict in the state was such. There was no scope for a middle path. In other words, it was impossible to reconcile the ideological contradictions. The failure of the private effort needs to be viewed in this context, as also in the context that the members of the "civil society" did not adopt a holistic approach to the issue.

SAYSS's shifting stance: Downgraded level of dialogue

Anyway, as pointed out earlier, it was on August 23 that the 4-member panel started discussions with the representatives of the SAYSS. The SAYSS' representatives were Brigadier Suchet Singh, Tilak Raj Sharma, Narinder Singh and Pawan Kohli. The agenda for talks included an arrangement for the use of 800 kanals of land at Baltal-Domail by the SASB, duration of the pilgrimage, assessment of the total requirement of land by the SASB and the existing availability at various locations, a mechanism for retaining overall responsibility for pilgrimage arrangements by the SASB and reconstitution of the SASB

and the Board's duties and powers. The panel had proposed this 5-point agenda for talks at the insistence of the SAYSS, which had made it loud and clear that it would not hold talks "unless the Governor's panel comes (out) with a concrete proposal" (*Indian Express*, August 22, 2008).

The panel held three rounds of talks with them on the same day, but talks remained inconclusive. B.B. Vyas announced that the panel would again meet the SAYSS for the fourth and final round of talks in a day or two. It was reported that the panel had told the SAYSS' representatives that it would need two days to give a concrete shape to the "broad understanding" reached between the two sides. The SAYSS held discussions with the Governor's committee, notwithstanding the fact that there was nothing in the 5-point agenda that even remotely suggested that Governor would be recalled from the State. Interestingly, all the Jammu-based Congress leaders, barring Mangat Ram Sharma and Gulchain Singh Charak, consistently demanded the removal of N.N. Vohra, saying such an action was imperative for creating an atmosphere conducive for discussions on the land issue.

The first round of talks between the Governor's panel and the SAYSS was held in a cordial atmosphere. Both the sides met each other for one and half hour, exchanged their proposals and dispersed. They met again at 2 pm. The second round of talks was not a smooth affair. What had created a sort of controversy was the official proposal that the SASB will be allowed to "use" the land in question at Baltal for three months – two months during the *Yatra* period and one month before its commencement. The SAYSS' representatives refused to agree to the word "use", saying "use of land didn't mean anything to us". They opposed the word "use" on the ground that the future dispensation might not allow the SASB to use the land in question. They categorically told the panel that they wanted the Governor's dispensation to "issue an order diverting or transferring the land to SASB" on a permanent basis.

That all was not well became clear when the panel did not turn up for the third round of talks at the scheduled time i.e., 6 pm. It kept the representatives of the SAYSS waiting at Ved Mandir for three long hours. The third round of talks actually commenced after 9 pm, but nothing came out of the parleys. According to Sanjeev Pargal of the

Daily Excelsior (August 24), "the delay clearly indicated that the official delegation has succumbed to the pressures tactics, which the separatists had started exerting from Kashmir after a word spread during the first two rounds of talks that land could be transferred to the SASB" and that "the official delegation also wanted them (SAYSS) to keep Kashmir situation in mind while putting forth their demands". This report of the widely read local daily was based on the information supplied to its correspondent by some "insiders". That it was an accurate report could be seen from the fact that neither Raj Bhawan nor any member of the panel contradicted it then or even later on.

Reacting to the inordinate delay on the part of the Governor's panel, the *samiti* representatives told the *Daily Excelsior* the same evening, but on the condition of anonymity, that "after first two rounds of talks, we interacted with our colleagues in the *samiti* and all of us were convinced that the dialogue was in the concluding stage and an agreement could be reached in the third round. But what went wrong in between, we don't know. Obviously, pressure was exerted from some quarters, most likely by the Kashmiri leaders and separatists, not to concede the demand of diversion of land".

Anyway, after the third round of talks, Brigadier Suchet Singh told media persons: "The agitation will not slow down. It will go on and will be taken to a logical conclusion…We have submitted our final draft to the delegation and now the ball is in the court of government". He also informed media persons that the SAYSS' delegation had – apart from demanding restoration of the Baltal land to the SASB – put forth several other demands. The demands ranged from release of all arrested youths to withdrawal of criminal cases against the activists to compensation for the persons killed and injured during the agitation to financial relief to traders, transporters and all other businessmen who had suffered huge financial losses due to the prolonged strike and curfew (*Kashmir Times*, August 24, 2008). As a matter of fact, the SAYSS' representatives had submitted a 14-point charter of demands to the Governor's panel (*Daily Excelsior*, August 29, 2008).

The fourth round of talks between the Governor's panel and the SAYSS took place on August 30. Actually, the fourth round of talks was to take place on August 28 in the afternoon. It was postponed. The official version was that the talks were postponed due to the

indisposition of S.S. Bloeria, chairman of the 4-member panel, and that the talks would now be held on August 29. S.S. Bloeria had, according to reports, suffered injuries due to an "accidental fall". The talks were again postponed for the second consecutive day and for the same reason: "Doctors on Friday (August 29) suggested one more day of bed-rest to S.S. Bloeria, who was not in a position to travel from Srinagar to Jammu (*The Latest*, August 30, 2008).

Whether or not the official version was correct, it remains a riddle even today. However, the postponement of talks did create a suspicion in the minds of the people of Jammu about the intentions of the State Government. As for reaction of the SAYSS, its convener said: "After three rounds of talks on August 23, the administration sought two days' time for the next round of talks, but more than ten days (read 6 days) have passed and the issue is still lingering on...The *samiti* is doubtful of the intentions of the government in solving the Amarnath controversy" (*The Tribune*, August 29, 2008).

There are reasons to believe that the causes responsible for the postponement of talks were deeper. One of the reasons was the eagerness of the authorities to take into confidence the separatists and "mainstream" Kashmiri leaders, particularly Mufti Mohammad Sayeed, whose party had adopted a very tough stand on the land issue. The authorities wanted to take on board the Kashmiri leadership before signing the agreement with the SAYSS. The meeting of Mufti Mohammad Sayeed with the Prime Minister, the Home Minister, the External Affairs Minister and the National Security Advisor at New Delhi on August 29, where he told them "a consensus over the resolution of this issue is important", needs to be viewed in this context (*Indian Express*, August 30, 2008). He had not gone to Delhi on his own. The Prime Minister had invited him for discussion on the issue. A day earlier, the perturbed National Security Advisor, M.K. Narayanan, had met the Mufti to enlist his support. He was perturbed because the PDP had boycotted the Srinagar's August 27 all-party meeting, which had been convened by the Governor to seek a "broad political consensus" over the likely agreement between the government and the SAYSS.

It may appear unbelievable but it is a fact that the likes of Mufti Mohammad Sayeed had told Pranab Mukherjee in unambiguous terms that they would not accept a solution other than the one that was

acceptable to the people of Kashmir (Muslims). So much so, they had told Mukherjee: "They do not know Jammu; that they do not care for the people of Jammu".

The authorities not only met the "mainstream" Kashmiri leaders and sought their concurrence for the "broad understanding" reached between the Governor's panel and the SAYSS' representatives on August 23. They also met the Kashmiri separatists for the same purpose. The members of the Governor's panel and a few top-ranking Congress leaders met the detained separatists, Mirwaiz Umar Farooq and Sayeeed Ali Shah Geelani, on August 29 to seek their cooperation so that the government was able to reach an agreement with the SAYSS. Iftikar Gilani of *The Kashmir Times* (August 30, 2008) wrote: "According to the official sources, we have shown them the draft agreement and they said land row is not an issue for them". Iftikar Gilani also disclosed that "both the leaders had said they stand for a larger goal of right to self-determination" and that their immediate demands were the "opening of cross-LoC trade, withdrawal of forces, release of prisoners and revocation of strict laws".

(One can understand the reasons behind the move of the authorities to take the NC or even the PDP into confidence. But one simply fails to comprehend the reasons behind the move of the authorities to talk to the separatists on the issue. By talking to them, the powers-that-be in the state and at the Centre did give a dangerous respectability to the former, thus exposing the weakness of the Indian State.)

Earlier on August 25, the Union Government had endorsed the "draft agreement arrived at between the Governor's panel and the SAYSS' representatives. *The Kashmir Times* carried a detailed story on it in its issue of August 26. The story, among other things, read: "At a late night meeting conducted by External Affairs Minister Pranab Mukherjee, (which was attended by) Water Resources Minister Saif-ud-Din Soz, Home Minister Shivraj Patil, former Chief Minister Ghulam Nabi Azad and senior officials, it was decided to de-link agitation of Jammu from the Kashmir situation...It was decided to douse fires in Jammu in the wake of SAYSS call to organize a massive rally on Wednesday (August 27), security establishment had expressed fears that since they are confronted with a serious situation in the Kashmir Valley and border areas of Jammu region, they would not be

able to spare security forces for the proposed rally of the SAYSS. 'An agreement is ready and may be made public within the next two days…Once fires in Jammu are doused, the government will fully attend to the situation in Kashmir, which has traveled far beyond the land row. 'The process of dialogue and reconciliation will be started in Kashmir Valley…The (official) sources said that the government have expressed reservations (in regard) to other demands like the removal of Governor N.N. Vohra. But sources in Delhi said the government might swallow the bitter pill of recalling the Governor later. The Central Government has also accepted the demand of withdrawal of criminal cases against the activists during the agitation period and payment of compensation to the victims. However, government says, it will not spare those who indulged in economic blockade and attacks on Kashmiri drivers…"

Two days later, the Administrative Council of the State cleared the "broad understanding" reached between the Governor's panel and the SAYSS' representatives. (The Administrative Council enjoys the powers of Cabinet during the Governor's rule. Jammu and Kashmir is the solitary state in India which can be brought under the Governor rule for a maximum period of six months under Article 92 of the State Constitution.)

All this indicates five things. One: The Union Government was under tremendous pressure and it wanted to end the Jammu agitation as early as possible by resolving the land issue to the satisfaction of the agitating people of Jammu province. Two: it had even decided to remove Governor N.N. Vohra, though reluctantly. Three: the security forces had raised their hands in Jammu. Four: the authorities wanted to give respectability to the same Kashmiri separatists who had instigated the general public in Kashmir to rise in revolt against India and vitiated the whole atmosphere by converting a non-issue into a major controversy leading to the turmoil in Kashmir and in Jammu. Five: The Congress-led UPA Government finally made up its mind to ask the Governor to conclude a truce with the SAYSS when the Congress high command realized that the Congress was losing its political base to "hardliners" in Jammu as well as Kashmir (*The Kashmir Times*, August 27, 2008). It also indicated the desire of the Union Government to take on board the same PDP, which had not only ensured the collapse

of the Congress-led government, but had openly revolted against India by joining the out-and-out anti-India Muzaffarabad march. In fact, the Prime Minister had talked to him on August 29 and again reiterated on August 31 that the government would hold talks with the Mufti to "bring the PDP on board" (*Indian Express*, September 1, 2008).

It was under these circumstances that the long-awaited fourth round of talks between the SAYSS and the Governor's committee commenced on August 30 at the State Guest House, Jammu. The talks, which were scheduled to be held at 4.30 pm, were deferred till 7.30 pm. The talks were again deferred. It was only at 8.30 pm that the talks actually started and lasted till 4.40 am (August 31), with a break of about 50 minutes. Both the sides explained away their positions. However, there were moments when it appeared that the talks would be deadlocked. The SAYSS wanted to include a clause in the agreement that all the charges framed against Swami Dinesh Bharti would be withdrawn forthwith and that no case against him would be registered under the Public Safety Act. The chairman of the panel rejected out of hand this demand of the SAYSS. It happened at about 3 am. There were heated exchanges between the two sides over the issue, with one of the members of the 21-member core committee accusing the State Government of dealing with the separatists and murderers with kid gloves and booking the nationalists like Swami Dinesh Bharti under the Public Safety Act and the chairman of the panel telling the SAYSS' core group that if they wanted to pull out of talks over the issue of Swami Dinesh Bharti, they could do so. There were other instances as well, over which the SAYSS and the chairman of the Governor's panel held contradictory views. For example, the SAYSS wanted attachment of Senior Superintendent of Police, Samba, Prabhat Singh. The panel rejected this demand. Yet another cause of delay in signing the agreement was the insistence of the SAYSS that the Law Department must withdraw the LPA from the High Court so that no government in the state in future was able to tinker with the agreement.

Behind-the-scene activities were going on simultaneously between the panel and the Governor. The issues were finally resolved when the panel agreed to accept the first and third demand and verbally assured the SAYSS that the Samba Senior Superintendent of Police will not only be transferred, but a judicial inquiry would also be instituted against

him (*Indian Express*, August 31, 2008). Thereafter, both the parties signed the agreement. The most significant clause of the agreement was: "The State Government shall set aside for the use by the Shri Amarnath Shrine Board, exclusively, the land in Baltal and Domail (Compartment No. 63/S, Sindh Forest Division), comprising an area of 800 kanals, traditionally under the use for the *yatra*", and free of cost. This was precisely what the people of Jammu fought for and wanted. The panel also accepted all other demands as contained in the SAYSS' charter of demands. The State Government finally restored the Baltal land to the SASB on September 25, exactly 25 days after signing the agreement (*Hindustan Times*, September 26, 2008).

It is significant to note that between July 23 and August 30 the ambivalent SAYSS' leaders, particularly Leela Karan Sharma, went on shifting their stances. It appeared the *samiti*'s leadership had gone totally confused. In fact, it suffered from inconsistencies all through after July 23. It repeatedly said that it will not enter into dialogue with the Governor, but finally took a complete U-turn and held talks with him. It said time and again that it would never give up its demand for the removal of N.N. Vohra from the state, but it at no point of time pursue this major demand. It declared on August 25 that it will pull out of talks in case action was not taken against certain police officials who had let loose a reign of terror in Jammu (*Indian Express*, August 26, 2008), but took a complete U-turn the next day, saying "the pre-condition for resumption of dialogue made yesterday was due to large scale brutalities of the police during the *chakka bandh* (self imposed curfew) yesterday in many parts of Jammu region. But this should be taken as an additional demand and not a pre-condition for resumption of talks" (*Daily Excelsior*, August 27, 2008).

It needs to be noted that it was none other than Leela Karan Sharma who proposed (we shall not talk) and it was his spokesperson, Narinder Singh, who disposed (we shall talk). This episode not only made Leela Karan Sharma a laughing stock and an object of ridicule, but also brought to the fore the existing serious differences within the SAYSS and that too at a time when the agitation had entered a very crucial and decisive stage.

The SAYSS' decision to talk to the Governor's panel was disliked by bulk of the people, and even by certain members of the *samiti*, who

wanted the SAYSS leadership not to have any kind of truck with Governor Vohra who, according to them, had insulted them by "succumbing to extremists' dictates". The people's anger was justifiable all the more because the SAYSS' convener, Leela Karan Sharma, had repeatedly declared that his organization would not talk to the Governor or his representatives. As late as on August 18, the SAYSS had reiterated its resolve not to hold talks with the Governor or with his four-member panel and that it would only hold discussions with the Union Government, which had indicated its intention to meet the *samiti* twice, first on August 6 and later on August 12.

The Union Government took full advantage of the weaknesses of and contradictions within the SAYSS and did not even once send an invitation for talks. The SAYSS went on saying that "its doors are open" for talks with the Centre, but did not have the patience to wait for the invite. It was itself responsible for the kind of treatment it received from the Union Government. Had the SAYSS not lost patience for some more time and persevered, the Union Government would have certainly held talks with it and the result would have been an enhancement in the stature of Jammu and its people.

The SAYSS did commit a faux pas by downgrading the level of dialogue. And, it committed this faux pas deliberately because it wanted to conclude a truce as early as possible. The reason: The tired, ambivalent and desperate SAYSS had no control over the movement. Another reason was the pressure from those who had been guiding and controlling the likes of rather weak and amenable Leela Karan Sharma. That the SAYSS's leadership was eager for an early truce became evident when on August 23 the Governor's panel did not reach the venue of dialogue at the stipulated time. There was panic among the top-ranking leaders of the *samiti*. They were anxiously waiting for the invite. The manner in which the SAYSS' spokesperson, Narinder Singh, declared on August 26 that the demand of Leela Karan Sharma that action must be initiated against police officials should be taken to mean an "additional demand" and not pre-condition for resumption of talks further indicated the SAYSS' eagerness for an early settlement of the issue. The SAYSS could have dictated terms, but it frittered away the invaluable opportunity.

It is important to note that during the first phase of the agitation in Jammu, the recall of Governor N.N. Vohra remained the foremost

demand. As soon as the agitation generated pressures to force the Government of India to initiate dialogue with the SAYSS, the demand of recalling N.N. Vohra started assuming lesser importance for the RSS clique in the SAYSS. The Delhi-based leaders, including M. Venkaiah Naidu, were also in a mood to forgive N.N. Vohra for his role in returning the land to the State Government taking recourse to extra-constitutional and arbitrary methods. More intriguing perhaps was the fact that when the Union Government had almost decided to upgrade the dialogue process to the secretarial level of the Government of India, the SAYSS conceded to talk to a sub-committee created by none other than N.N. Vohra. This self-downgrading of the dialogue process by the SAYSS raised many questions.

Was the central leadership of the *Sangh Parivar* averse to raising the stature of the SAYSS from the state level to the central level? Were they suspecting that such an elevation might create a situation where their control of the SAYSS will be undermined? More plausible justification could be that N.N. Vohra was the choice of the BJP-led Union Government as an interlocutor on Jammu and Kashmir. He was an integral part of the peace initiative created and crafted by the NDA. His role in the state for implementing the solution model agreed upon by Pakistan and India was critical. His open support to the Wajahat Habibullah formula in the working group on the Centre- state relations was crucial to set the ball rolling amongst the Hindus in Jammu to reconcile to the division of Jammu along river Chenab. The relief offered by the BJP and the *Sangh Parivar* had wider strategic objectives of pushing the give and take formula on Kashmir to a logical conclusion without having to pay for the adverse fallout of such an eventuality.

Mixed response

The agreement between the SAYSS and the Governor's panel evoked a mixed response. In Jammu, the reaction was one of overwhelming satisfaction, notwithstanding the failure of the SAYSS to ensure the removal of Governor N.N. Vohra. The convener of SAYSS, relieved and jubilant Leela Karan Sharma, announced suspension of the over 62-day-long agitation after signing the agreement and declared that the Sunday's (August 31) "*Sangharsh* rally" had been converted into a "Victory Rally", which would be held at Maulana Azad Stadium. He appealed to the people to participate in the rally in

large numbers. The people across the region described the agreement as their crowning triumph; a great victory of all embracing, liberal and secular ideology over the primitive and intolerant thinking, an ideology of exclusiveness. They had remained glued to their television sets throughout the night and immediately came on the streets at 5 am, when the channels broke the news that the two sides had reached an agreement and the land in question had been restored to the SASB.

In fact, celebrations broke out in the entire Jammu province with the onset of dawn despite imposition of curfew in 6 of the 10 districts of the region. Curfew was imposed to fail the "Victory Rally" and prevent the people from marching towards Maulana Azad Stadium. The official version was that curfew had to be imposed in view of security reasons as there was "credible information" that militants had entered Jammu and that they might target the "Victory Rally". There was no such thing. The government imposed curfew only when the SAYSS refused to accept the panel chairman's suggestion that it should not organize the proposed "Victory Rally" and that it should not celebrate the occasion with pomp and show, indirectly saying it might produce adverse impact in Kashmir. Still, thousands and thousands of people, including women, children and elderly citizens, converged on the roads defying curfew and chanting "Bam Bam Bhole" and "People of Jammu have won", bursting crackers, dancing to the tunes of drum beats and exchanging greetings and 'gulal' (colours). They could not distribute sweets because no sweet was available due to the prolonged *bandh*. However, some people served 'halwa poori' at several places to celebrate the occasion. At several places, people installed DJs and went on dancing throughout the day. Similarly, at many places, the residents of the areas arranged *langars* and offered sweet water to the passersby while youngsters carrying national flags in their hands took to the streets amid "Bhole teri jai jai kar, teri leela apram par". According to *The Tribune* (September 1, 2008), "hundreds of people visited the religious places, especially the famous Raghunath Temple, Aapshambhu Temple and Ranbireshwar Temple and offered prayers, while morning walkers were seen wishing 'Bam Bam Bhole instead of good morning". "This is day to celebrate for never before Jammu could succeed in establishing its position before Delhi and Srinagar", the jubilant people would say. They also described the "united struggle of the people of Jammu as a revolution, that (they) had not seen before in

(their) life time". While some people cautioned and said: "This is a lesson for us that our united fight can bring us results" (*The Hindustan Times*, September 1, 2008).

However, people in most parts of Jammu city, including several parts of old city, Bakshi Nagar, Shakti Nagar, Talab Tillo, Jewel Chowk, Canal Road, Gandhi Nagar, Shastri Nagar, Trikuta Nagar and the adjoining areas could not come out of their houses due to strict imposition of curfew. The Maulana Azad Stadium had virtually been converted into a security fortress in the early morning itself. The army, the CRPF, the Rapid Action Force and the state police had sealed the stadium. The security forces had also sealed all the roads leading up to the stadium. Despite all this, thousands of people, particularly young-men, managed to assemble near the stadium. According to one estimate, more than 10,000 people had converged at the Dogra Chowk. They made a concerted attempt to reach the venue of the "Victory Rally" as well, but failed. The security forces, plus the police, fired several teargas shells and took recourse to heavy cane-charge to disperse the people. All this led to pitched battles between them and the security forces. There were similar clashes in several parts of the city, including a number of areas in the old city like Purani Mandi, which left at least 20 persons injured (*The Tribune*, September 1, 2008).

These were all poignant moments. In short, the occasion had turned out to be a blend of Holi, Diwali and Baisakhi in most parts of Jammu province, where people also organized huge, huge rallies braving all odds and defying curfew restrictions. It was indeed an eventful day. The agreement led the people of Jammu to believe that they were on the threshold of a new era. There were reasons for them to entertain such a belief, as also a belief that no one in future would ever dare to take the people of Jammu for granted.

However, it must remain a matter of shame for the authorities that while they did everything to prevent the people from celebrating the great occasion, they were virtually treating the separatists like Syed Ali Shah Geelani and Mirwaiz Umar Fatooq as state guests. It needs to be noted that the authorities had taken both these separatists under their custody, but virtually with folded hands, on the eve of agreement between the SAYSS and the Governor's panel and kept them at salubrious Nehru Guest House and Chashma Shahi.

The reaction in the Kashmir Valley was just the opposite, barring the changed stance of the NC, which welcomed the pact and said: "Neither are there any apprehensions now, nor is it a one-sided decision" (*Indian Express*, September 1, 2008). The reaction of NC was indeed a very mature. On the other hand, Mehbooba Mufti termed the agreement as "unilateral". "This unilateral decision on land use for Amarnath *Yatra* is a move to disrespect the popular sentiment in Kashmir", Mehbooba Mufti told *The Indian Express* and *The Kashmir Times* (September 1). She also called it "appeasement of people of Jammu". "The solution arrived at with the SAYSS in Jammu is not a Jammu and Kashmir peace formula as is being presented. It is purely a Jammu appeasement policy, which will only increase the alienation of Kashmiris whose sentiments and just aspirations are being throttled with brute force", she also told *The Indian Express* on August 31

Rejecting the agreement, Umi Duha, acting chairperson of the women's separatist outfit, Dukhtaran-e-Millat, said: "The talks between the Centre and the *samiti* and the return of land is an attempt to divert the attention from the basic issue of right to self-determination...We sincerely advise New Delhi to accept the fact that it couldn't rule the hearts and minds of people of Kashmir despite all attempts during the last 61 years" (*Ibid*). The Kashmir Coordination Committee, which was spearheading the anti-India movement in Kashmir and organizing such marches as "Muzaffarabad *chalo*" repudiated outright the agreement as well. "We categorically reject the deal with handful persons from Jammu, even though the land use is not that important to us at this stage when freedom is our declared objective" (*The Kashmir Times*, September 1, 2008). "Our struggle is for a bigger goal. It is complete independence. Protests will continue in all cases and against all odds", the Coordination Committee told *The Hindustan Times* on August 31.

The reaction of the chairman of Hurriyat Conference (Geelani), Syed Ali Shah Geelani, was on expected lines. Rejecting the agreement, he told *The Kashmir Times* (September 3) at Soura medical institute that "we believe that the order, which cancelled the transfer of land to Shrine Board is reliable. Later, the decision, which was taken after talks with Sangharsh Samiti, is not acceptable to us at any cost and we strongly reject this agreement".

Significantly, A.G. Noorani and several Left historians also did not lag behind. In fact, their reaction was more strong and rabidly anti-Hindus and anti-authorities. A.G. Noorani termed the agreement as "an immoral and illegal accord" and opined that "it is one-sided and marks an abject surrender to violence, blockade and to communal forces". He further bemoaned that the accord "grants the SAYSS concessions beyond the May (20) order did". "The accord completely ignores Kashmir where the land is given…It is pure communal aggression using the *yatra* for political demonstration not religious piety…The accord lacks legal efficacy as well as moral and political legitimacy…It is pity that the state should bend all rules to buy peace with communal forces, including promise to consider compensation for law-breakers. What of compensation to the Valley for the blockade? The *Parivar* in Jammu has already begun asking for more. It is *gunah-e-bey lazzat* (sin without any taste). If the state can bend its knees before the *Sangh Parivar* on an issue like this, what hopes of justice can Kashmiris entertain when it comes to restoring the raped Article 370 to a status of worth and respect?", Noorani also wrote (*Greater Kashmir*, September 3, 2008).

Identical was the reaction of several Leftist historians, including Professors R.S. Sharma, Irfan Habib, Suvira Jaiswal, D N Jha, Shireen Moosvi, Iqtidar Alam Khan and R L Shukla. They opposed the agreement for several reasons. One: "In the talks with the Jammu agitators through an all-party delegation headed by the Home Minister, the agitators secured exclusion of the representatives of the Kashmir parties despite an invitation issued to them". Two: "…The special concessions, under paras 9 and 10 of the agreement, about withdrawal of cases and compensation to agitators are confined to Jammu and not made applicable to the Kashmir Division". Three: "…This deal (is)…unjust and provocative act"… Four: it was for "them" (Kashmiri Muslims) to "decide what to do with their land" (*The Mandate*, September 4, 2008).

The agitation in Jammu and the resultant truce over land led the SAYSS and the BJP to believe that they would turn the tables against the Congress and the NC during the forthcoming Assembly and general elections. The BJP had made it loud and clear on day one that it would rake up the Amarnath land issue in a big way during the elections in

order to influence the voting pattern and win as many seats as possible in the Assembly elections in the state, as also in the 2009 general elections. The Congress and the NC also believed that the agitation in Jammu would have its impact on the state's electoral scene. The assessment of these parties was correct. It was under this situation that the political parties took the plunge in the electoral arena. While the BJP was confident that it would sweep both the Assembly polls and general elections and change the political history of Jammu, its political rivals kept their fingers crossed. The election results, however, would prove the BJP wrong and create a situation leading to an alliance between the Congress and the NC, thus upsetting the calculation of the people of Jammu that after the elections they would obtain a kind of dispensation in which they would have an effective and real say; that they would get what they legitimately deserve in the state's political, economic and social processes.

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CHAPTER – VII

LAND ROW AND ELECTIONS

With the resolution of the Baltal land issue on August 31, political parties started wooing their respective constituencies. Significantly, the BJP, which had played a very significant role in the land-restoration movement, did not go gaga over the land restoration to the SASB. The BJP maintained a low profile for quite sometime, notwithstanding the fact that it had asserted time and again during the days of agitation that it would capture 20 to 25 Assembly seats and that either it would form next government in the state (*Dainik Jagran*, July 20) or play a crucial role in the process of government formation – assertions based on its belief that the people would surely reward it for the role it played during the agitation.

Perhaps, it wanted to dispel the notion that it had spearheaded the movement. During all those more than 62 days of agitation, the BJP leaders clarify time and again that their party was just a constituent of the SAYSS and not the chief determinant. Perhaps, they also wanted to convey a feeling that the BJP will not take political mileage out of the land issue. Why the BJP, which otherwise had made its intentions public on day one by saying that the Amarnath land issue would be the party's chief election plank during the Assembly elections as well as the 2009 general elections, turned so apologetic was beyond comprehension. The BJP had struggled for the just cause and everyone knew it full well. It should have acknowledged that its cadres did play the role of a pioneer. But it had turned apologetic in 1992 as well, when the RSS, the BJP, the VHP and the BD *kar sewaks* (volunteers) demolished the disputed structure at Ayodhya.

The post-1992 BJP was altogether different from the pre-1992 BJP. For, the post-1992 BJP, unlike the pre-1992 BJP, was interested more in the loaves and fishes of office than in its ideology. It's true that it did talk of Article 370, uniform civil code and Ram Temple from time to time between 1992 and 1998, and even after 1998. But it is also true that the BJP leaders did not attach much significance to its

core ideology, which had given their party a status and respectability. That it had abandoned its ideology became evident in 1998, when it entered into an alliance with parties whose socio-political and economic agendas were similar to the ones advocated by the Congress, the Left parties and similar other "secular" groupings, and formed the National Democratic Alliance (NDA) to capture the South and North Blocks.

The low profile maintained by the BJP after the conclusion of truce over the land has to be viewed in this context, as also in the context that the party had virtually made up its mind to enter into an alliance with the NC and share power with it. However, the BJP consistently held the view that the Assembly elections should be held on time so that the popular government was in place before November 2, 2008. Its argument was that the popular government was always better than the Governor's rule and that not to hold elections on time would be simply to walk into the trap of the Kashmiri separatists and fundamentalists.

On the other hand, the Jammu-based Congress leaders, who had found themselves in a soup following the cancellation of the land transfer order, pooh-poohed the BJP leadership and gave credit to the Union Government and the party high command for resolving the land issue. They sought to identify themselves with the people of Jammu by saying that they sided with them during the agitation, that they camped in Delhi for a number of days to convince the Prime Minister and the AICC president that their demand was just and rational and that they took part in the agitation risking their political career. At the same time, however, they, like the Kashmir-based Congress leaders and Ghulam Nabi Azad, were of the opinion that the time was not opportune for an electoral exercise. They were mortally afraid of the idea of an early elections or elections on time. The upshot of their opposition to the early elections was that the land agitation had "polarized the polity on regional and communal lines" and that holding elections on time would only mean helping the BJP and the PDP achieve major electoral successes.

The attitude of the PDP and the NC was almost identical. The Jammu-based PDP and NC leaders continued to invite ire of the common people of Jammu as during the days of agitation. They abhorred the idea of elections in the state at that time. Significantly, the Kashmir-based PDP and NC leaders, including Mehbooba Mufti,

also expressed themselves against Assembly elections. Their argument was that the prevailing environment was not suitable for any kind of electoral exercise. They wanted the Union Government to conciliate the people of Kashmir by introducing more confidence building measures before holding elections in the state. In fact, they asked the Prime Minister during the all-party meeting, held at Srinagar on October 10, not to toy with the idea of elections.

It needs to be noted that Prime Minister Manmohan Singh had come to Srinagar all the way from New Delhi in the second week of October 2008 to ascertain the views of political parties in this regard. The all-party meeting continued for at least three hours. This writer was present in the meeting. Concluding the proceedings, the Prime Minister gave a hint that elections to the Jammu and Kashmir Assembly were round the corner. Earlier, Governor N.N. Vohra had given similar hints. In fact, the Governor had all through maintained that elections would be held on time and that he was for the restoration of popular rule at the earliest. These hints were quite significant in the sense that the intelligence agencies had suggested that elections should not be held before May 2009. The intelligence agencies had opposed early elections for four reasons. One, the situation in the state was very critical. Two, there would be large-scale violence if the elections were held on time. Three, it will not be possible to provide foolproof security cover to the high- ranking political dignitaries, including ministers. And, four, the people were extremely angry with the "mainstream" political parties, especially the Congress, the NC and the PDP (*Amar Ujala*, August 20, 2008).

All this shows that major political players were divided into two groups – one demanding Assembly elections on time and the other suggesting postponement of elections for the time being. The BJP represented the first group and the Congress, the NC and the PDP the other. However, given the sensitivity of the state, the Prime Minister and the Governor favoured elections on time and, accordingly, urged the Election Commission of India to undertake an electoral exercise. The Election Commission visited the state immediately for an on-the-spot assessment of the situation, interacted with representatives of the various political parties to ascertain their views on the issue and announced the 7-phase election schedule on October 19 (*Daily Excelsior*, October 20, 2008).

Failure of BJP

The announcement of the election schedule electrified the situation in the state in general and Jammu province in particular. The BJP was the first to welcome the decision of the Election Commission of India. The BJP described it as the people's victory. Immediately after the announcement of the election schedule, the core group and election committee of the state BJP met twice to select the party candidates, but could not complete the exercise. The reason was the dissensions within the party. There were three main groups in the state BJP, one each being led by party president Ashok Khajuria and general secretary (organization) Ajay Jamwal, former Union Minister of State Chaman Lal Gupta and former state BJP president Nirmal Singh. Each one of them wanted to get maximum number of tickets for his supporters. It was talk of the town that each one of them wanted to become "Deputy Chief Minister" in the new government. One of the three BJP leaders, Nirmal Singh, had declared in the meeting that he would contest only the Lok Sabha election and that he would campaign for all the party candidates. Everyone accepted his suggestion. At the same time, however, he wanted the party's mandate for his wife as well as his elder brother. He threw his hat in the ring only when the party high command did not consider the candidature of his wife and brother for the Assembly elections. It was revealed by an insider, who mattered very much in the selection process, that "Nirmal Singh wanted an assurance that he would be made the leader of the BJP Legislature Party in the Assembly".

It needs to be underlined that the BJP had started the process of finalizing the names of party candidates much earlier, even before the announcement of the election schedule. The party's core group, the election committee, the BJP zonal secretary Manohar Lal and party's in-charge and co-in-charge Shanta Kumar, former Himachal Pradesh Chief Minister, and R. P. Singh, respectively, had met in the Jammu's Circuit House and New Delhi's Himachal Bhawan at least three times between May and September to reach a consensus, but had failed. They met again in Jammu for the fourth and final time on October 29 and 30 to clinch the whole issue so that the party candidates could start their election campaigning in right earnest.

A number of aspirants met Shanta Kumar, Manohar Lal and R. P. Singh and sought the party mandate. This writer, who had been handling

the media and producing literature for the party at the state level, and even at the national level since years, also met them. The crux of the meeting between the spokesman and the three central BJP leaders was that the BJP must ensure the entry into the Assembly of those who will vehemently oppose the official bills which needed to be opposed and support those bills which needed to be supported at any cost. Shanta Kumar got dumbfounded when he was informed that one of the BJP legislators opposed in 1998 the Jammu-specific official bill that had been designed to establish Shri Mata Vaishno Devi Technical University in Katra, Jammu, and that none of the eight BJP legislators opposed in February 2002 that anti-democratic and essentially anti-Jammu amendment that banned delimitation of the Assembly constituencies till 2026. (According to the amendment, delimitation commission would be constituted only after the 2031 census.) He got dumbfounded all the more when he was told that the official bill seeking to establish the Shri Mata Vaishno Devi University and the Agricultural University at R.S. Pura, Jammu, was adopted despite the opposition of the BJP MLA and that "whenever the local BJP leaders rake up the issue of delimitation, their political rivals simply laugh at them and counter the former by saying that "you are a party to that constitutional amendment".

The announcement of candidates for the Assembly polls shocked many party workers. From the response the list evoked, it was quite evident that some dejected and sidelined insiders would surely work whole time to ensure the defeat of the party in case their candidature was rejected. Some of them had even gone to the extent of charging the party high command with siding with the "uninspiring and self-centered" Jammu-based leaders "ignoring the claims of the genuine and dedicated party workers". They called these leaders "parasites" and "self-seekers". Their grievance was that the "party high command" had conducted itself in a "hush, hush and dictatorial manner" and "imposed its unfair decision on the BJP cadres, who worked round-the-clock during the historic struggle in Jammu on the issue of land diversion to the SASB". Yet another grievance of theirs was that the party high command, instead of fielding Nirmal Singh in his home constituency, Basohli, and Chaman Lal Gupta in the Gandhi Nagar constituency, where he lives, gave in to their demands and fielded them in the "safe Gandhi Nagar and Jammu West constituencies". Their argument was that while Nirmal Singh was afraid of contesting election

from his home constituency, Chaman Lal Gupta was just not capable of facing the posh Gandhi Nagar's educated and mixed electorate.

It was under these circumstances that the BJP entered the electoral arena. A number of central BJP leaders, including L.K. Advani, Rajnath Singh, Murli Manohar Joshi, Gujarat Chief Minister Narendra Modi, Himachal Pradesh Chief Minister P.K. Dhumal, Shanta Kumar, Arun Jaitley, Navjot Singh Sidhu and Smriti Irani came to Jammu to muster support for the party candidates. Each one of them virtually sought votes in the name Shri Amarnath. Each one of them fervently appealed to the Jammu electorate to remember the land agitation and the role of the Congress in the land controversy while exercising their franchise. They concentrated their attack on the Congress. None of the central leaders even once took on the NC in the real sense of the term.

The election result was declared on December 26. Congress won 13 seats in Jammu province out of a total of 37 seats. The BJP, which jumped into the electoral arena as the favourite and publicly claimed that it would win not less than 20 seats, could win only 11 seats and got 4,76,662 votes (*Verdict 2008*, Department of Information, J&K Government), the NC 6 as against 9 it won in 2002, the JKNPP 3 as against 4 in 2002 and the PDP 2. The people of Kathua and Bishnah preferred independent candidates. In other words, the independent candidates emerged victorious in the region's two very important Assembly segments. In Kashmir province, the PDP won 19 out of a total of 46 seats, the NC captured 20 seats as against 17 it won in 2002, the Congress scored victory in three constituencies as against 5 seats it had won in 2002 and an independent candidate, the DPN, the PDF and the CPI-M captured one seat each. As for Ladakh, the NC won two seats and the Congress and independent candidate one each. The Ladakh Union Territory Front (LUTF), which had captured two seats in Leh in 2002, could not open its account in 2008.

The BJP leaders in Jammu and Kashmir and Delhi were extremely jubilant. They said that their party had performed exceptionally well. They were partly right and partly wrong. Right because the BJP won 11 seats, as against the paltry one it had won in 2002 by a very slender margin of sixty odd votes. But wrong in the sense that the BJP, which could otherwise had easily won a minimum of 20 to 23 seats in Jammu province and really become a force to reckon with, notwithstanding its various acts of omission and

commission in and outside the Assembly and several of its controversial actions, failed to win even one dozen seats. It won 11 seats, but it had won 8 seats each in 1977 and 1996 as well and led in 32 out of 37 segments in the 1998 general elections. An increase in its tally by just 3 seats was no great cause for the BJP to cheer.

The BJP raked up six issues to win over the Jammu electorate. These were: (1) the Amarnath land controversy, (2) discrimination with Jammu, (3) Kashmiri domination, (4) under-representation of Jammu in the Assembly, (5) terrorism and (6) the alleged statement of the senior Congress leader and the then Foreign Minister, Pranab Mukharjee, that "the Congress and the PDP may enter into a post-poll alliance to form the next government in the state". The BJP fought the Assembly elections in the manner a battle is fought, spent huge amount and unleashed a no-holds-barred campaign through the print and electronic media against the Congress and that almost all the top-ranking leaders of the party aggressively campaigned for the party candidates. But all of their efforts failed to achieve the desired results or expand the party's catchment area and reach out people in the real sense of the term. The BJP leadership failed because it allowed the three local leaders a free hand and because they rigorously excluded the non-BJP groups, which had contributed substantially to the land restoration movement. It was their arrogance and non-accommodating approach that estranged most of the people and the non-BJP organizations involved in the agitation.

Let us now look at the constituencies wherefrom the BJP candidates won and lost the election. This exercise is imperative to reach a right conclusion. The BJP candidates won from the constituencies where the land movement was weak or which remained somewhat unaffected by it. Take, for instance, the constituencies like Reasi, Basohli, Bani and Nagrota. The BJP candidates suffered defeat in most of the constituencies, which were the epicenter of the unprecedented agitation, and where some persons lost their precious lives fighting for the religious cause and for ideological considerations. Kathua, Billawar, Samba, Vijaypur, Bishnah, Gandhi Nagar, Chhamb, Akhnoor, Udhampur, Chenani and Ramban were the worst affected constituencies, but the people of these hot spots defeated the BJP candidates and elected those belonging to the Congress, the NC and the JKNPP.

Samba, where four young men lost their lives during the agitation and which remained under curfew for several days, did not elect the BJP candidate. Instead, it elected the JKNPP candidate, a sitting MLA. Kathua, where one person lost his life and which remained under curfew for days and days together, did not elect the BJP candidate. It elected an independent candidate, Charanjit Singh, who was a novice and former civil servant. Bishnah, from where Shilpi Verma, widow of Kuldip Verma, contested election, returned to the Assembly an independent candidate, Ashwini Sharma, who also happened to be a sitting candidate. And, she lost the election despite the fact that several top-ranking BJP leaders, including the "vote-catcher" and "charismatic" Narendra Modi, campaigned in this constituency, and at regular intervals to keep the land issue alive and arouse popular passions by repeatedly referring to the martyrdom of Kuldip Verma. But these are only three of the several such instances that demonstrate that the people did not elect the BJP candidates and ignored the role of their party.

In other words, the BJP leaders utterly failed to motivate the electorate of these crucial constituencies, notwithstanding the fact that several SAYSS leaders and the BJP worked in tandem. Had the BJP election strategists acted wisely, taken along all those who had contributed to the success of the agitation, selected "right" candidates and not displayed arrogance, they would have ensured the victory of almost all the party candidates in the Hindu-majority areas and become an important factor in the state politics. Muslims of Jammu, like their co-religionists in rest of the country, seldom vote for the BJP.

Jammu East, Jammu West, Raipur-Domana, Suchetgarh, R S Pura, and Hiranagar were the only constituencies where the people voted overwhelmingly in favour of the BJP candidates. They voted for the BJP not because it gave an emotional orientation to the election campaign, but because of some local factors and mistakes of the Congress. "As you sow, so shall you reap" – the BJP high command should not have forgotten this adage. After all, the BJP had reaped a bad harvest in 2002 and 2004 as well on account of its flawed selection procedure. Instead of fielding "right" candidates, the BJP high command turned out to a protective shield for "self-seekers". Perhaps, Ajay Jamwal was the only party leader who did bemoan the party's bad performance, saying that "*hum to chale the satta ki kunji apne haath mein laine, hamay to chaabi ka challa bhi nahin mila*" (we entered the

electoral arena with the hope that we would emerge as the most important factor in the state after the elections, but we have miserably failed).

Congress number one

The Congress, which contested the 2008 Assembly elections in the Jammu province against heavy odds, scored a sort of victory over the BJP. It won 13 seats this time as against 15 it won in 2002. The most significant aspect of the whole electoral exercise, which took place in the highly surcharged environment, was that the Congress again emerged as the number one party in Jammu province. It got 4,98,353 votes — 21,661 more votes as compared to the BJP.

It would be quite relevant to point out here that most of the Congress candidates who lost to the BJP were ministers in the Ghulam Nabi Azad-led government and they included Mangat Ram Sharma, Mula Ram, Gulchain Singh Charak, Jugal Kishore Sharma, Suman Bhagat and Gharu Ram. They were a party to the land revocation order. That almost all the Congress ministers lost the election was a reflection on their performance. Had the Congress ministers performed well and nourished their constituencies as the Congress legislators - Raman Bhalla, Sham Sharma, Tara Chand and Manohar Lal Sharma — had done in the Gandhi Nagar, Akhnoor, Chhamb and Billawar constituencies and not tinkered with the May 26 land transfer order, the result would have been somewhat different.

The Congress also suffered reverses in the constituencies like Marh, Jammu East, Nagrota, Hiranagar and Kalakot. Five causes were responsible for the Congress defeat. One was the presence of rebel candidates in these constituencies, who spoiled the electoral chances of the official candidates. The other was the indifferent attitude of the local leaders. In fact, a number of local leaders worked to ensure the defeat of the Congress candidates. The third was the lack of interest on the part of the JKPCC leadership. The fourth reason was that the Congress started the campaign much later and that its top leadership was plagued by infighting and confusion over choice of candidates. There was a general perception within the party and outside that the relations between the JKPCC chief and former Chief Minister were not friendly, notwithstanding their from-time-to-time statements to the contrary. Both the JKPCC chief and former Chief Minister did squabble

over ticket distribution and both preferred candidates who had no chance to win. Take, for example, the candidates fielded in Kathua, Vijaypur, Bishnah, Suchetgarh, Jammu East, Marh, Nagrota, Kalakot, Raipur-Domana, Poonch, and even Jammu West. Lastly, the Congress was organizationally weak and not better prepared for elections. Had the Congress fielded strong and new candidates in these constituencies and reined in the rebels on time, the election results in Jammu province would have been quite different and it would have captured a minimum of 20 seats in the crucial Jammu province and formed the next government in the state. There was consensus across the spectrum that the Congress did not field "right" candidates in several constituencies and that too when the BJP and the NC had already announced their candidates. Some of the Congressmen had even gone to the extent of saying that only a "miracle" could help the Congress retrieve the situation in the Udhampur, Reasi, Kathua, Vijaypur, Bishnah, Suchetgardh, Jammu East, Marh, Nagrota, Kalakot, Raipur-Domana, Poonch and Jammu West constituencies and ensure the victory of the Congress candidates.

The Congress candidates and their leadership knew this full well. Hence, they tried their best to expose the contradictions in the approach of the BJP towards the border migrants and issue of delimitation. They thought such a strategy might help them neutralize the influence of the BJP. They sought to counter the claim of the BJP leaders, both local and central, that they had consistently fought for the cause of the border migrants and that their party, if voted to power would rehabilitate and compensate them. In fact, several Congress leaders termed the BJP as "anti-refugees" and accused it of hoodwinking the migrants during the election campaign in order to garner a few votes. They also took an exception to the pro-refugee statement made by the BJP's prime Ministerial candidate, L K Advani, who visited Jammu just on the eve of elections in the Jammu and Samba districts and solicited votes for the party candidates. They dubbed his statement as a "bundle of white lies". Similarly, they ridiculed the pro-refugee statements made repeatedly by Nirmal Singh.

In fact, one of the Congress leaders made public the letter written by L.K. Advani to the Speaker of the Jammu and Kashmir Assembly in this regard. The letter was made public to establish that the approach of the BJP towards the problems being faced by the migrants was not

positive. The letter D.O. No. 16016/3/2003 – K.V., dated 13 August 2003, among other things, read: "Please refer to your D.O. letter No. LA-85/PS/o3, dated 3.7.2003 regarding approval by Government of India of the proposai submitted by the State Government for rehabilitation of Border Migrants from Akhnoor Tehsil. The proposal has been examined. The Ministry is of the view that this rehabilitation proposal is likely to have larger repercussions because there would be similar demands from others living along IB/LoC seeking migration every time there was tension at the borders..."

Similarly, the Congress leaders ridiculed the BJP demand seeking establishment of a delimitation commission, saying the BJP had no moral right to rake up this issue, since it itself was a party to the constitutional amendment that debarred the authorities from delimiting the Assembly constituencies till 2026. So much so, on December 22, former Chief Minister Ghulam Nabi Azad took the BJP to task during his Raipur-Domana election rally for its role and regretted that the BJP leaders went beyond the democratic confines by blaming the Congress for not delimiting the Assembly constituencies (*Daily Excelsior*, December 23). Such was the nature of the Congress propaganda that Himachal Pradesh Chief Minister P. K. Dhumal had to acknowledge that his party's legislators remained "silent when the NC government perpetrated a crime by amending the Representation of People's Act". He acknowledged the "lapse" on the part of the BJP legislators while addressing a public meeting in the Raipur-Domana Assembly constituency itself.

Besides, the Congress leaders consistently accused the BJP of playing "politics of deception". In this regard, they would always refer to the BJP's approach towards Article 370. They would laugh at the BJP leaders, saying the latter always talked about abrogation of this Article, but removed from the manifesto that portion which dealt with it. They also exploited to the hilt L.K Advani's Pakistan statement that "Mohammad Ali Jinnah", the father and founder of Pakistan and an ardent believer in the pernicious two-nation theory, was "secular". So much so, the Congress candidates time and again pooh-poohed the claim of the BJP that it alone could neutralize the scourge of terrorism and countered the BJP campaign by saying that it was during the BJP-led NDA rule that the then Foreign Minister Jaswant Singh escorted the dreaded terrorists, including Masud Azhar, to Kandhar

(Afghanistan), who later conspired against India and became instrumental in the December 13, 2001 terrorist attack on the Indian Parliament.

The Congress propaganda against the BJP should have helped the former. But it did not happen. The reason could be that the Congress legislators had also not opposed the amendment to the Representation of People's Act and that the State Government had not done anything substantial to mitigate the hardships of the border migrants as well as refugees from West Pakistan. Similarly, the Congress' attack on the BJP on the issues of Article 370, Jinnah and terrorism did not have much impact on the electorate. At the same time, however, it has to be acknowledged that, unlike the BJP, the Congress under the leadership of Ghulam Nabi Azad contested elections basically on the developmental plank. It did not rake up any emotive issue during the entire election campaign.

The story of the Congress and the BJP, in short, is that both the national parties committed serious mistakes and failed to win the number of seats they were expecting.

Growth of PDP

The PDP, which could not get even 2 per cent votes in Jammu province in the 2002 Assembly elections, opened its account in 2008 in this region by capturing two Muslim-majority seats — Mender and Darhal. It lost one seat – Muslim-majority Rajouri — by a very narrow margin. It was a significant political development and all the more because only a few months ago everyone in Jammu abhorred and disliked any kind of truck with this party. The reason: Its highly controversial political agenda, regressive and essentially Kashmiri Muslim-centric ideology and its double role in the Amarnath land controversy. The memory of the extremely hostile attitude of the people of Jammu towards the PDP leaders which they displayed on the day the all-party meeting was to take place in Jammu to discuss steps aimed at breaking the deadlock over the land issue still lingers in the people's mind. The memory is too fresh to be forgotten.

It is pertinent to mention here that there was no enthusiasm for the PDP amongst party workers till the first phase of elections. The attitude of the voters towards the PDP was also not really positive. Convinced that the PDP was sure to get a drubbing, the separatists,

including Jamat-e-Islami activists, openly came out in support of the Muftis and campaigned for their party. Perhaps, there was a signal from Pakistan as well to support the PDP. This helped the PDP to an extent.

The PDP not only extended its area of influence in the Jammu province, it also increased its tally in Kashmir. That the PDP, instead of becoming unpopular in Kashmir because of its opportunistic politics (it shared power with and condemned the Congress at the same time), increased its tally from 16 to 19 is a clear proof that the Amarnath land controversy did help the PDP to an extent. The PDP gained both in Kashmir and Jammu at the cost of NC, notwithstanding the fact that both the regional parties indulged in competitive communalism.

Rajya Sabha elections

Members of the Jammu and Kashmir Legislative Assembly went to the polls on February 13, 2009 and elected two of the four members to the Rajya Sabha. Two candidates of the NC-Congress ruling coalition, JKPCC president Saif-ud-Din Soz and former Chief Minister Ghulam Nabi Azad, had been declared elected unopposed on February 6.

There were four candidates in the fray. Two belonged to the ruling alliance. They were the NC president Farooq Abdullah and former Finance Minister Mohammad Shafi Uri. Farooq Abdullah took over as the party president after the elevation of his son to the post of Chief Minister. The remaining two candidates were Altaf Bukhari and Ashok Vijay Gupta. While Altaf Bukhari had been fielded by the PDP, Ashok Vijay Gupta had been fielded by the BJP. Ashok Vijay Gupta was not a member of the party. He was basically the choice of Chaman Lal Gupta.

The victory of Farooq Abdullah was a foregone conclusion considering the numerical strength of the NC-Congress combine in the Assembly, The chances of Shafi Uri also appeared quite bright because all the 44 NC-Congress legislators, plus the three Congress-supported legislators, were there in strength to cast their second preference votes in favour of the ruling coalition's candidate, thus upsetting the calculations of his rivals.

The winning prospects of Shafi Uri had shaken and unnerved both the PDP and the BJP. Both these parties did all that they could to ensure the defeat of Shafi Uri. There were reports that the PDP and the BJP

might join hands and cultivate independent legislators, including two from the Jammu province, to capture one of the two Rajya Sabha seats. The January 30 New Delhi talks between BJP national general secretary Arun Jaitley and the PDP candidate Altaf Bukhari, which were followed by parleys between Bukhari and Dilawar Mir of the PDP and the local BJP leader (Chaman Lal Gupta) in Jammu, and the February 8 press conference of the BJP-sponsored candidate all indicated that the two parties might enter into some kind of alliance to achieve their goal.

The January 30 pro-Mufti statement of Arun Jaitley (*Dainik Jagran*, January 31, 2009) also served to establish that the before-the-election opposition of the BJP towards the PDP and the vice-versa was nothing but an exercise aimed at misleading their respective constituencies and meeting their political ends. It needs to be noted that the PDP and the BJP had 32 members in the Assembly. The PDP or the BJP could win one of the two seats by voting in one direction.

The parleys between the BJP and the PDP held in very cordial atmosphere both in New Delhi and Jammu over the issue and Arun Jaitley's statement that "Mufti Mohammad Sayeed is a seasoned politician" and "that it would not mind supporting the PDP in case it fields Mufti Sayeed" upset the people of Jammu province. They had never expected that the BJP, which all along opposed the PDP and its religio-political agenda, would ever befriend Mufti Mohammad Sayeed and others of his ilk. The local BJP leaders, especially the party president Ashok Khajuria, had consistently dubbed the PDP as an "anti-India" and "pro-Pakistan" party.

The attitude of the JKNPP was no different. At least two of its legislators were known for their soft attitude towards PDP patron Mufti Mohammad Sayeed. There were indications that the JKNPP leadership might also make common cause with the PDP and the BJP. Statements emanating from its party headquarters (Gandhi Nagar) and the manner in which its chairman had approached the Election Commission of India asking it to debar Ghulam Nabi Azad from casting his vote on February 13 all indicated the intentions of the JKNPP.

That said, the parleys between the BJP and the PDP did not produce any result. The basic reason was that the unwillingness of Mufti Mohammad Sayeed to contest the Rajya Sabha election. With the result, the BJP change its stance. It declared that it would not support the PDP candidate. On the other hand, the JKNPP remained firm on its stand

and announced that it would not only vote in favour of the PDP candidate, but would work for the defeat of the NC-Congress coalition candidate.

As expected, both the BJP and the PDP candidates lost the election. The winners obviously were Farooq Abdullah and Shafi Uri. However, the election result stunned the BJP all the more because one of the BJP legislators exercised his second preference vote in favour of the NC candidate. It was talk of the town that the BJP MLA had voted in favour of Farooq Abdullah. The cross-voting had its adverse impact on the BJP, with the people of Jammu ridiculing it and its leadership and accusing it of double-speak. This episode did dent the image of the BJP and became one of the causes of its defeat in the general elections.

Criticism of the BJP was one side of the story of Rajya Sabha elections. The other side of the story was far more serious. It raised certain fundamental issues. One of the issues was the negation of the cardinal principles of secularism and democracy and the resultant exclusion of the non-Muslim minorities from the Rajya Sabha elections. The non-Muslim minorities, which rightly took secularism and democracy to mean an all-inclusive ideology, were expecting that the Congress and the NC combine would field at least one non-Muslim and ensure his/her entry into the Rajya Sabha. But it did not happen. Instead, the decision-makers allotted all the four seats to the followers of one particular religion. Kashmir got three seats and Jammu one.

By excluding the non-Muslim minorities from the Rajya Sabha election, the decision-makers did send a wrong signal and created, may be inadvertently, an impression that they still considered Kashmir and the Muslims as the most important factors in the state's political situation. The need of the time was to take on board and accord an equal treatment to the non-Muslim minorities by fielding one or two candidates belonging to them. Such an approach had become all the more imperative considering the nature of the movement Jammu witnessed in 2008, as also the age-old grievance of the non-Muslim minorities, which constitute about 40 per cent population in the state, that they had all along been denied their due share in the democratic and other vital processes.

Earlier on January 5, two developments had taken place. Both had created widespread disappointment and resentment among all in Jammu, except in a rather limited circle. The people in Jammu had

thought that the NC and Congress coalition would learn lessons from the past and act with impartiality and a desire to do what was just and fair. Nothing of this sort happened. What happened was to the contrary. The power-sharing agreement reached between the Congress and the NC was lop-sided. It, unlike the earlier post-poll arrangement between the Congress and the NC, handed over the office of Chief Minister to the NC for full term of six years, thus depriving the people of Jammu of the opportunity to manage the state's affairs for three years as happened between November 2005 and July 2008. If the Congress high command was extremely generous towards the NC, the new Chief Minister Omar Abdullah did not reciprocate this generosity. Instead of applying the principle of equality while forming his Cabinet, the Chief Minister inducted into his Cabinet seven ministers from the Kashmir division and just three from the Jammu province. Six out of seven ministers from Kashmir belonged to the majority community and one was a Ladakhi Buddhist. These two developments led the people of Jammu to believe that the decision-makers in the Congress and the NC had once again given preference to Kashmir and its people, without regard to the general political rights and interests of other communities in Jammu.

Legislative Council elections

The unprecedented unity between the opposition parties like the PDP, the BJP and the JKNPP; cross voting and the first ever victory of one of the NC-Congress coalition candidates by a lottery were the three major highlights of the elections to the Legislative Council, which took place on March 7 to elect as many as 11 members. The elections were held in the civil secretariat, Jammu. The NC captured six seats, the Congress three and the PDP and the JKNPP one each. The BJP was once again "stunned" by the cross voting. While one of the party legislators did not exercise his franchise in favour of the party candidate, state BJP general secretary Shamsher Singh Manhas, at least two BJP legislators voted for the NC-Congress alliance candidates. On the other hand, all the three JKNPP legislators displayed their votes to the BJP deputy leader in the Assembly before voting in favour of the BJP candidate. The BJP candidate should have polled a minimum of 14 votes, but he got only 13, one less than the combined strength of the BJP and the JKNPP. The BJP candidly admitted that the JKNPP

conducted itself in a dignified manner and voted en block in favour of its candidate and that one of the party legislators did cheat the party by not voting in favour of Shamsher Singh Manhas (*Daily Excelsior*, March 8, 2008).

The election results also upset the NC-Congress coalition's applecart and proved that there are no permanent foes or friends in politics and that what matters is not principle or ideology, but power and patronage. The alliance could bag only nine seats as against ten it had hoped. It lost one of the four seats in the Kashmir province to the JKNPP candidate as the PDP and the BJP joined hands with JKNPP to ensure the defeat of one of the coalition's candidates. The legislators belonging to both these parties, plus the three legislators belonging to the JKNPP, voted en masse in favour of the JKNPP candidate, who was declared a winner. He secured maximum number of votes (31). The PDP easily won one of the four seats in the Jammu province.

The clever move of the opposition, which Farooq Abdullah and others described as an "unholy alliance" between the PDP and the BJP (*Ibid.*, March 8, 2008), created a strange situation for the Congress-NC coalition's candidates. The Congress and the NC had fielded one candidate each for the two seats in Kashmir division and their calculation was that the coalition would win both the seats hands down. Their calculation was based on the belief that the PDP and the BJP would never ever made common cause. However, their calculations proved wrong. The opposition voted in a fashion that the Congress and the NC candidates were polled 26 votes each. In other words, there was a tie between the two. The decision in the draw of lot led to the defeat of the Congress candidate and victory of the NC candidate, the state's former chief secretary. The election result also showed that the BJP was a divided house and that its legislators did not vote in one direction. Some of them voted in favour of the Congress-NC coalition candidates, some in favour of the PDP and almost all in favour of the JKNPP candidate.

The announcement of election result created chaos in the Legislative Assembly, which was in session that day. In fact, the verdict led to hot exchanges between the treasury and opposition benches. The Assembly in the post-lunch session witnessed unruly scenes and provocative slogans. The treasury and opposition benches traded

charges and counter charges against each other and shouted slogans of "shame, shame". So much so, the ruling coalition accused the PDP of entering into an "unholy and unethical alliance with the BJP for the sake of power". "This has exposed both the PDP and the BJP which spew venom against each other in public. You have played a politics of opportunism while ganging up against the coalition", the Congress and NC legislators said. The PDP too denounced the ruling coalition and asked: "Was your alliance with the BJP during the recent Rajya Sabha polls and recent elections to the post of Deputy Mayor holy" (in Jammu) not opportunistic and unethical? Peerzada Mansor of the PDP said: "*Jab Aapke* Deputy Mayor *Baney Tab Aapko Sharmindagi Nahin Huyi*" (when the NC candidate became a Deputy Mayor with the support of the BJP, the NC leadership did not feel ashamed).

The Rural Development Minister, Ali Mohammad Sagar (NC), took the opportunity to castigate and ridicule both the BJP and the PDP. He said: "During two-month-long agitation, 60 people were killed because of you. You (PDP) should apologize to the people of Kashmir for this brazen act. You've been exposed. You spilled the blood of people for bloody politics. *Inhoney* (PDP) *Kashmiriyon Ko Marwaya* (they got killed Kashmiris). *Unhoney* (BJP) Jammu *Waalon Ko Marwaya* (they got killed the people of Jammu). Self-rule Document *Bakwaas Hai* (self-rule document is all fraud), (this is your self-rule) *Yahi Inka self-rule Hai*" (*The Kashmir Times*, March 8, 2008).

The row between the treasury and opposition benches made the Speaker of the Legislative Assembly intervene and control the situation. It was with great difficulty that he could restore peace in the House and conducted the proceedings, which were, however, dotted from to time with the slogans of "shame, shame".

The legislative council elections were to an extent significant as far as the minority representation in the Upper House was concerned, notwithstanding some questionable actions of some legislators, particularly those belonging to the BJP and the PDP. Of the nine members belonging to the ruling coalition, four belonged to the minority communities. While two of the four elected members belonged to Jammu, one each belonged to Kashmir and Ladakh. Two of the four members belonged to the Congress and the remaining two belonged to the NC. In other words, this time both the Congress and the NC adopted

a balanced approach while fielding their candidates for the Legislative Council elections. The JKNPP and the PDP did not field any candidate belonging to the minority community.

Lok Sabha elections

The Lok Sabha elections in Jammu and Kashmir, like other parts of the country, were held in five phases. The Congress and the NC fought these elections jointly. Both the parties struck a deal. According to the seat-sharing formula, the Congress and the NC were to field three candidates each. The Congress would field its candidate for both the seats in the Jammu province and the lone seat in the cold-desert Ladakh. As for the NC, it would field its candidates for all the three parliamentary constituencies in Kashmir. The pre-poll arrangement between the two coalition partners once again established that while the Congress had its strong, stable and tested support-base in Jammu and Ladakh, the area of influence of the NC was basically limited to the Kashmir Valley. The arrangement also established that both these parties represented different types of constituencies. But more than that, the arrangement vindicated the stand of most of the people of Jammu and Ladakh that their political aspirations were not consistent with the ones the NC represented and that Jammu and Ladakh could not co-exist with Kashmir as they belonged to different civilizations based on conflicting political perceptions. The State of Jammu and Kashmir witnessed such a seat-sharing formula for the first time, with the votaries of the state's trifurcation or the Valley's bifurcation seeing in it an opportunity that would ultimately lead to the state's reorganization and formation of separate states of Jammu and Ladakh and the creation of a separate homeland for the displaced Kashmiri Hindus within the Valley.

The main players in the Jammu province were the two national parties – the Congress and the BJP, notwithstanding the fact that the PDP, the JKNPP and the BSP were also in the fray. The candidates belonging to these parties were rather weak. These parties fielded candidates whose area of influence was limited to a few localities or mohallas and to a particular section to which they belonged. The PDP candidate – Tarlok Singh Bajwa — had his influence in two of the twenty segments in the Jammu-Poonch parliamentary constituency. The segments were R.S. Pura and Suchetgarh. He hailed from this area.

Similarly, another PDP candidate – Balbir Singh — had little support-base even in the Billawar segment of the 17-segment Udhampur-Kathua parliamentary constituency. Balbir Singh belonged to Billawar. Likewise, JKNPP candidate Bhim Singh, who had declared after his defeat in the Assembly elections from the Jammu East constituency just four months ago that he would never contest any election — had his limited support-base in 3 segments of this constituency, namely Udhampur and the adjoining Chenani and Ramnagar segments. While he himself belonged to Chenani, his close relations Harsh Dev Singh and Balwant Singh Mankotia represented Ramnagar and Udhampur constituencies in the Assembly. As for the BSP candidates (Hussain Ali and Rakesh Wazir), they were no factors at all in any of the constituencies in the Jammu province, despite the fact that the Scheduled Caste communities constituted nearly 25 per cent of the province's population. The main reason was that the BSP fielded very rich non-Scheduled Caste candidates in these constituencies. One was a Rajput candidate. The other was a Muslim.

The NC did not face any difficulty while selecting candidates for the parliamentary seats because none in the party could ever dare to challenge Farooq Abdullah or his son Omar Abdullah. On the other hand, the Congress found it extremely difficult to take a decision on who should be fielded in the Jammu province's two parliamentary constituencies – Jammu-Poonch and Udhampur-Kathua. Besides the two sitting members of Parliament Madan Lal Sharma and Lal Singh, there were several other claimants. Some of them included Mangat Ram Sharma, Gulchain Singh Charak and Jugal kishore Sharma who had, like one of the sitting MPs Lal Singh, just suffered a defeat at the hands of the BJP and an independent candidate. Lal Singh had, it needs to be noted, lost the 2008 Assembly election to an independent candidate in the Kathua Assembly constituency with a huge margin. In fact, he had forfeited his security deposit. Other Congress leaders, who were also lobbying for ticket, included MLC and former Cabinet Minister in the NC government, Rajinder Singh Chib.

Ultimately, however, the Congress high command fielded Madan Lal Sharma and Lal Singh. They were fielded in the constituencies they represented in the fourteenth Lok Sabha. Their task was not easy, notwithstanding the fact that both of them had identified themselves with the Jammu agitation in the later stages. As for Madan Lal Sharma,

he virtually fought election against the Congress party in the sense that most of the party leaders not only remained inactive throughout the election days, but also worked overtly and covertly against him. No body saw the election in-charge Chaudhary Mohammad Aslam during all these days. Most of those who wanted mandate, but failed to obtain it, virtually went into hibernation. The story of Lal Singh was no different. No local leader really worked for his success. The party cadres were given to understand that the victory of Madan Lal Sharma and Lal Singh would only strengthen the position of the JKPCC chief and such an eventuality must be averted. Then there were others who wanted to settle personal scores. The JKPCC chief and Ghulam Nabi Azad did try to reconcile contradictions within the party and bring on board the detractors of the official candidates, but with no result. Significantly, even those close to the JKPCC chief did not take much pain to tilt the balance on the side of the Congress candidates. They would be conspicuous by the presence only when the central leaders like the Congress national general secretaries Prithavi Raj Chavan and Ghulam Nabi Azad would visit the region. Nor did they activate their media cell to counter the arguments of the rival parties, including the BJP. Both Madan Lal Sharma and Lal Singh fought the election against heavy odds.

The most striking aspect of the election campaign was the concerted attempt on the part of the JKPCC chief and Prithavi Raj Chavan to rake up the already settled Amarnath land issue and snub those who had engineered the movement in Jammu. Both these leaders repeatedly accused the BJP of engineering "violence and communal hatred in Jammu". "Leela Karan *Ne To* Jammu *Mein Firka Parasti Ki Aag Lagai aur Logon Ko Bhatkaya. Hinduon Ko Mussalmanon Ke Khilaf Kar Diya... BJP Walon Ne To Koi Kasar Nahin Chori Thi Logon Ko Ladane Ki Aur Marwane Ki*" (*Daily Excelsior*, April 12, 2009). (Leela Karan lit the fire of violence and communal hatred and instigated the people. He created schism between the Hindus and the Muslims. The BJP people did all that they could to pit the Hindus against the Muslims and cause mayhem). On the other hand, Prithavi Raj Chavan described the BJP as a "threat to the national unity, security and integrity", saying "some leaders of this party have tried to exploit religious sentiments of the people" (*Ibid*., April 14, 2009). Ghulam Nabi Azad, unlike Saif-ud-Din Soz and Prithavi Raj Chavan, again

sought votes in the name of development, prosperity and peace. He did not even once rake up the land issue.

The story of the BJP was even worse. The BJP, like the Congress, was also plagued by factionalism. Party president Ashok Khajuria and general secretary Ajay Jamwal, who otherwise should have played the key role, were virtually forced to hold aloof from the process of ticket distribution. What added a new twist to the whole situation was the decision of Leela Karan Sharma to resign from the SAYSS and contest election on the BJP ticket from the Jammu-Poonch parliamentary constituency. He took this decision on March 14 (*Dainik Jagran*, March 15, 2009) overlooking the fact that he had on occasions more than one publicly stated during the days of agitation that "he will never contest any election" and that "he would continue to serve the Jammu cause as a non-political person". The BJP had made up its mind to field Sat Sharma, party's treasurer, in this prestigious constituency. Another factor that made the task of the BJP high command difficult was the formation of a five-MLA pressure group. None other than Chaman Lal Gupta, leader of the BJP Legislature Party in the Assembly, led this group. Other members of this group were Jagdish Raj Spolia (Basohli), Lal Chand (Bani), Durga Das (Hira Nagar) and Baldev Sharma (Reasi). This group was formed just on the eve of ticket distribution to put pressure on the party high command so that Chaman Lal Gupta's son Anil Gupta was able to obtain mandate for contesting election from the Udhampur-Kathua parliamentary constituency. The party had planned to field Jitendra Singh in this constituency. Yet another development that further complicated matters was the claim of Nirmal Singh, who had suffered a defeat in the just-held Assembly elections, that he should be fielded in one of the two parliamentary constituencies. According to reports, Chaman Lal Gupta also wanted to contest election.

Other local BJP leaders who had also thrown their hats in the ring included MLA Jugal Kishore Sharma, party vice-presidents Chander Prakash Ganga and Thakur Ranjit Singh and party general secretary Bali Bhagat. While Jugal Kishore Sharma and Chander Prakash Ganga wanted to contest from the Jammu-Poonch parliamentary constituency, Thakur Ranjit Singh and Bali Bhagat staked their claim to the Udhampur-Kathua parliamentary constituency. In other words, there were several claimants for the two seats in the Jamu region.

Leela Karan Sharma was the choice of the Jammu-based RSS top leadership. However, it didn't say anything publicly in this regard. On

the contrary, the RSS-controlled SAYSS held a press conference on March 14 and revealed that it had not cleared his name for contesting election as "it is a non-political body and continues to remain the same". So much so, the acting convener of the SAYSS, Brigadier Suchet Singh, said that the "*Samiti* will not canvass for Mr. Sharma in case he jumps into the electoral arena as all candidates are equal for us" (*Daily Excelsior*, March 15, 2009). The result of this press conference was confusion among the RSS cadres. They failed to comprehend as to what was happening within the *parivar*. What made the confusion worst confounded was the ambiguous stand of those in the RSS who were insisting on the candidature of Leela Karan Sharma.

As it became clear that both Leela Karan Sharma and Jitendra Singh would be the party candidates, resentment started brewing among the local BJP leaders and workers. Some of them, who were very close to Chaman Lal Gupta and Nirmal Singh, swung into action to preempt what they called a "disastrous move". On March 15, a number of party councilors and their supporters protested against the "decision". One of the councilors, Subhash Jandial, who had joined the protest demonstration, said: "If the reports are true that the party has made up its mind to give mandate to Sharma, this would be simply unacceptable to us. How can the party ignore its senior second-rung leaders and give ticket to an outsider? We're here just to register our protest so that the party leadership should review this decision". One of the party legislators told *The Kashmir Times* on condition of anonymity on March 15 that "all are waiting for the final word from the party because central leadership is still maintaining that no decision has been taken so far vis-à-vis mandate. Nevertheless Sharma's confident posture and statements have certainly caused unease in the party rank and file. And, if the party decides in his favour, it would damage its own cause in Jammu region".

Another critic of Leela Karan Sharma and Jitendra Singh told *The Kashmir Times* the same day that "we wonder as to wherefrom the names of SAYSS leaders started doing the rounds all of a sudden although the parliamentary board continues to maintain that no final decision has been taken so far. In fact, the decision of Sharma too has taken us by surprise because he was the same person who had sharply reacted to the reports of L.K. Advani joining the Jammu agitation in

August maintaining that the SAYSS was an apolitical front. Now it seems his personal ambitions are overpowering him".

On the other hand, the supporters of Nirmal Singh told the same paper on the same day that "Nirmal Singh still stands a strong chance as his name figures in both the panels. Moreover, his performance in the last parliamentary elections too goes in his favour. Last time, he had lost the seat by a margin of only 17,000 votes as he had polled 3,02,000 votes. Still we are keeping our fingers crossed. We're waiting for the party high command's decision".

It is important to note that while Leela Karan Sharma enjoyed the backing of the local RSS top-ranking leader, Nirmal Singh got the support from national BJP president Rajnath Singh and a top RSS national leader Inderesh Kumar. Nirmal Singh was very close to Inderesh Kumar. Manohar Lal also favoured the candidature of Nirmal Singh. Had they not supported him or had they gone by the choice of Ashok Khajuria and Ajay Jamwal or even the local RSS leadership, Jitendra Singh would have surely got the party's mandate. It can be said that it was the RSS, plus Rajnath Singh, who played the most crucial role in the process of ticket distribution as far as Jammu province was concerned. Since it was impossible for the BJP parliamentary board to ignore the RSS, the former gave the party mandate to Leela Karan Sharma and Nirmal Singh. Leela Karan Sharma was selected for the Jammu-Poonch parliamentary constituency and Nirmal Singh for Udhampur-Kathua parliamentary constituency. It was just a coincidence that Nirmal Singh again became the cause of Jitendra Singh's exclusion and the resultant embarrassment of the poor SAYSS spokesman. The BJP high command had assured Jitendra Singh that he would be the party candidate in the Gandhi Nagar Assembly constituency, but denied him the mandate because it fielded Nirmal Singh.

The widespread resentment among the party rank and file over the distribution of tickets created an awkward situation for the party high command, and even for the RSS. It happened at a time when the Congress had suffered a major political jolt in Uttar Pradesh and Bihar because of an alliance between Lalu Prasad of the Rashtriya Janata Dal, Ram Vilas Paswan of the Lok Janshakti Party and Mulayam Singh Yadav of the Samajwadi Party. In Jammu and Kashmir, the BJP witnessed a situation that upset Rajnath Singh. Rajnath Singh, who

had come all the way from New Delhi to Jammu on March 27 to woo the opponents of Leela Karan Sharma and Nirmal Singh and obtain their full support for the party candidates for the two parliamentary seats, had to go back as a disillusioned person because his writ failed to run in the state unit of the BJP. The senior BJP leader, who wanted mandate for his son for the Udhampur-Kathua parliamentary constituency, and his close associates, including at least four legislators, did not oblige Rajnath Singh. They did not turn up for the Parade Ground rally, which was addressed by none other than the BJP national president. The fact that they deliberately chose not to attend this election rally not just indicated a worst form of factionalism in the party, which was thinking in terms of capturing both the Lok Sabha seats in Jammu province, but also established that the BJP national president simply came here to suffer humiliations at the hands of those whose claims the party high command rejected while distributing tickets. It needs to be noted that Rajnath Singh visited Jammu at the behest of Shanta Kumar, who had sensed the mood of the party leaders and cadres.

This was the state of affairs in the Jammu and Kashmir BJP. The party politics within the state BJP and a virtual revolt by at least four legislators – all belonging to the Udhampur-Kathua parliamentary constituency — was not a good omen for Nirmal Singh. The story of Leela Karan Sharma was similar. He had contested the election against Chaman Lal Gupta in 1983 as an independent candidate from the Jammu East Assembly constituency, although he belonged to the *Parivar* to which the latter also belonged. Leela Karan Sharma had polled a paltry 43 votes. It was obvious that Chaman Lal Gupta and his supporters would not work for the success of Leela Karan Sharma. His cause of worry was not just Chamal Lal Gupta, who represented the Jammu West constituency in the Assembly. There were several other BJP leaders and workers who were up in arms against the party high command, thus queering the Leela Karan Sharma's pitch in this constituency. So much so, the RSS, which had been instrumental in obtaining mandate for Leela Karan, did not do much for him. It activated its cadres a couple of days before the polling. The damage had already been done.

It would not be out of place to mention here that the decision of Leela Karan Sharma had also given a long stick to its opponents, who used to describe it and the BJP as the "two sides of one and the same

coin" during the movement and thereafter. That the Congress would surely use this stick to beat Leela Karan Sharma and the BJP from right and left was a foregone conclusion and it did attack him repeatedly, saying that he and the BJP were not trustworthy. His decision to go back on his solemn commitment that he would never contest the Assembly or the Lok Sabha election, undoubtedly, created an adverse impact. He created an awkward situation for himself, as also for the party to which he now belonged in the sense that it was not an easy task to counter the Congress propaganda in this regard.

That was also the time when the BJP was at the receiving end. It had become quite unpopular after the Assembly elections. What had brought a bad name to the party was the cross voting during the Rajya Sabha and Legislative Council elections as well as the quite passive role its legislators played during the 9-day-long Assembly session, held in March. The association of the BJP with the controversial PDP and the cross voting in favour of the NC had made the people doubt its integrity and public commitments. The association of the BJP with the JKNPP was also not appreciated by the people of Jammu. The reason was that the approach of the JKNPP to the issues facing the people of Jammu was apparently inconsistent with that of the BJP. The BJP tried to get votes in the name of L.K. Advani by describing Manmohan Singh as the weakest Prime Minister India had ever seen, but came out of the exercise minus everything. The people construed the tirade against the Prime Minister as a negative campaigning. The BJP also saw in the parliamentary elections an opportunity to push the Congress candidates to the wall over the 26/11 Mumbai terrorist attack, but noting came out of their efforts. These issues had little or no resonance with the electorate.

People's verdict

These were the circumstances under which the Congress and the BJP contested the parliamentary elections. The results in Jammu and Kashmir, like other parts of the country, were announced on May 16. The Congress won all the two seats in Jammu province. Its candidate in Ladakh, P. Namgyal, could not make it to the Lok Sabha because, according to the Leh District Congress Committee, the NC sabotaged his prospects and "clandestinely" helped the independent candidate, Ghulam Hassan Khan, basically a NC man. Immediately after the

declaration of result, Ghulam Hassan Khan rejoined the NC. The NC won all the three seats in Kashmir. In other words, all the six seats were captured by the ruling coalition. The PDP, which had won one seat in the 2004 general elections, suffered a massive defeat at the hands of the NC in Kashmir and Congress in Jammu. In Kashmir, the NC candidates led even in those constituencies which Mufti Mohammad Sayeed and Mehbooba Mufti represented in the Assembly. Significantly, the Mufti and his daughter did not exercise their right to vote in the general elections. Perhaps, they wanted to tell the Kashmiri separatists, who had asked the people to boycott elections, that they shared their perception on elections.

Farooq Abdullah won by a margin of 30,000 votes. He defeated the PDP heavy weight and a Shiite religious leader Moulvi Iftikar Hussain Ansari. Sharief-ud-Din Shariq of the NC won the Baramulla Lok Sabha seat by a handsome margin of 65,000 votes. He not only defeated the PDP's very strong candidate Mohammad Dilawar Mir, but also a top-ranking separatist leader and president of the People's Conference, Sajjad Gani Lone, son of the slain Abdul Gani Lone. He did not lead even in one of the 15 Assembly segments, including Handwara. He belonged to Handwara. Mirza Mehboob Baig of the NC captured the South Kashmir's Anantnag seat, a stronghold of the PDP. He defeated Peer Mohammad Hussain of the PDP, a former minister, by a narrow margin of 5,200 votes. Still, it was a splendid victory of the NC. No one had ever thought that the PDP would suffer a defeat in South Kashmir.

In Jammu, Madan Lal Sharma scored a magnificent victory over Leela Karan Sharma in the Jammu-Poonch constituency. He was polled 3,82,305 votes and Leela Karan Sharma 2,60,932 votes. Victory of Madan Lal Sharma, who had won this seat in 2004 by a narrow margin of 17,000 votes, was spectacular on four counts. One, he defeated none other than Leela Karan Sharma, who had emerged as a symbol of Jammu's identity. Two, it was for the first time after 1984 that the Congress led in the erstwhile Jammu district by a margin of 13,000 votes. In 1984, Janak Raj Gupta of the Congress had defeated his rivals by a margin of over 1,70,000 votes and led in almost all the 13 Assembly segments in Jammu district. Three, Madan Lal defeated the BJP candidate by a huge margin of 1,21, 373 votes. Four, unlike 1984, there was no sympathy wave in favour of any political formation. The

1984 general elections were held in the wake of the gruesome killing of the then Prime Minister Indira Gandhi and there was sympathy wave in favour of the Congress across the country. The Congress had won nearly 75 per cent Lok Sabha seats that year. The 2009 Lok Sabha election in Jammu province was basically an issueless election and it could be legitimately said that it was essentially a personal victory of Madan Lal Sharma.

Madan Lal Sharma not only led in all five Muslim-majority segments of Poonch, Surankot, Mendhar, Rajouri and Darhal, but also maintained lead in 9 out of 15 Hindu-majority Assembly segments – Vijaypur, Gandhinagar, Nagrota, Akhnoor, Chhamb, Kalakot, Nowshehra, Marh and R.S. Pura. Leela Karan Sharma could maintain a slender lead only in 5 Hindu-majority constituencies – Jammu East, Jammu West and Raipur-Domana — all represented by the BJP in the Assembly — and Samba and Bishnah, represented by the JKNPP and an independent candidate, respectively. Significantly, the BJP candidate trailed even in Suchetgarh and R.S. Pura segments, which the BJP had captured in 2008 after inflicting a crushing defeat on the Congress.

As for the PDP, its candidate Tarlok Singh Bajwa got only 93,710 votes. He led only in his home constituency, Suchetgarh. Much to the chagrin of Mufti Mohammad Sayeed and Mehbooba Mufti, he trailed in Mendhar and Darhal, the only segments in Jammu province the PDP represented in the Legislative Assembly. As was expected, the BSP candidate, Hussain Ali, did not lead in any of the 20 segments. He was polled a paltry 49,979 votes out of a total of 8,43,314 votes polled in the Jammu-poonch parliamentary constituency.

The tale of the Udhampur-Kathua constituency was different from the Jammu-Poonch constituency, although Lal Singh won the election. He defeated the BJP candidate, Nirmal Singh, by a narrow margin of 13,569 votes. He was polled 2,31,803 votes and the BJP candidate 2,18,334 votes. In 2004, Lal Singh had defeated Chaman Lal Gupta by 47,000 votes and got 2.40 lakh votes, as against 1,93,000 votes polled in favour of Chaman Lal Gupta. Lal Singh trailed in all but one Hindu-dominated Assembly segments, including Kathua (his home town), Basohli, Bani, Hira Nagar, Billawar, Udhampur, Ramnagar, Chenani, Reasi and Ramban. He led by a narrow margin only in one Hindu-majority constituency, Bhadrwah, from where Ghulam Nabi Azad had won in 2006 and 2008 with a huge, huge margin. The Congress

candidate led only in 7 out of the 17 segments, including the six Muslim majority constituencies of Bhadrwah, Doda, Kishtwar, Banihal, Inderwal and Gool Arnas. It was clear on day one that the Muslims would hold the key and that they would determine the outcome of the election not just in Udhampur-Kathua constituency, but also in the Jammu-Poonch constituency. (Madan Lal Sharma had established lead in the Muslim-majority districts of Rajouri and Poonch by as many as 1,04,989 votes. Similarly, Lal Singh established lead in the erstwhile Doda district consisting of 3 districts by 41,537 votes.)

On the other hand, Nirmal Singh led in as many as 8 segments, four more than the party represented in the Assembly. The BJP established lead in Billawar, Ramban, Kathua and Udhampur, besides Basohli, Bani, Hira Nagar and Reasi (all represented by the BJP in the Assembly). While the Congress represented the Billawar and Ramban constituencies in the Assembly, an independent candidate and the JKNPP represented Kathua and Udhampur constituencies, respectively, in the Assembly. Still the BJP candidate could not emerge out victorious. The reason was that the lead in all the 8 segments was only marginal. Even the Rajput factor did not help the BJP. The party high command had cleared the candidature of Nirmal Singh on the premise that the Rajput community constituted a significant chunk of the electorate in this constituency and that it would tilt the balance on his side. Its calculation was not flawed. But what upset the BJP applecart in this constituency was that all the five main actors belonged to the same community.

As for the JKNPP candidate Bhim Singh, he got 69,463 votes out of a total of 6,11,886 votes polled. He led in Ramnagar and Chenani segments but trailed in Udhampur. While the Congress represented the Chenani constituency in the Assembly, the JKNPP represented the Ramnagar constituency. The BSP candidate suffered a massive defeat. He got only 21,445 votes and did not lead in any of the segments. The defeat of the PDP candidate, Balbir Singh, was no less humiliating. He was polled a paltry 30,249 votes. Like the BSP candidate, the PDP candidate also trailed in all the 17 segments.

Other highlights

In sharp contrast to 2008 Assembly elections, when the campaign remained mainly focused around the Amarnath land issue and the

electorate's participation was massive, the 2009 Lok Sabha election did not witness much enthusiasm among the voters. Both the urban and rural areas witnessed a low turn out. In the Jammu-Poonch parliamentary constituency, voting was down by no less than 24.5 per cent. Only 49 per cent of the registered voters, including the West Pakistan refugee voters, exercised their franchise. In October-December 2008, more than 73 per cent of the registered voters had participated in the Assembly elections. Their number was 12.35 lakh and this did not include the West Pakistan refugee voters. In 2008, the enthusiastic voters, both young and elder, stood in queues for hours together in order to exercise their right to vote. But in 2009, a vast majority of voters stayed indoors. What to talk of voters, even the response of political workers, barring the contestants and their supports, was lackluster. These were the same political workers who had been instrumental in ensuring a very high turn out in 2008. No wonder then that almost all the polling stations presented a deserted look, with the election staff finding it difficult to kill time. There were no queues of voters outside any of the polling stations across the Jammu-Poonch parliamentary constituency.

All the 20 segments witnessed a very low turn out. The voting in the Jammu district was down by 22.7 per cent. In 2008, while the voting percentage was 73.7, in 2009, it was just 51 per cent. Similarly, while the turn out in the Samba district in 2008 was 77.7 per cent, in 2009, it was only 46 per cent – a huge difference of 30.7 per cent. The Muslim-majority districts of Rajouri and Poonch also did not fare well as far the voting percentage was concerned. In 2008, while the voting percentage in the two districts was 72.7 and 72, respectively, in 2009, it was 49 and 47 per cent, respectively. In other words, while the voting was down in Rajouri district by 23.7 per cent, in the Poonch district, it was down by 25 per cent.

The story of Udhampur-Kathua parliamentary constituency was also identical. 3.05,948 registered voters did not exercise their right to vote in this constituency. In 2008, the number of voters, who exercised their franchise in the 17 Assembly constituencies, was 9,24,726. Contrast to this, only 6,18,778 registered voters came out to exercise their right to vote. The voting was down in Ramban constituency by 31.3 percent, in Kishtwar by 20 per cent, in Inderwal by 30 per cent, in Banihal by 32 per cent, in Bhadrwah by 8.3 per cent, in Doda by 36 per

cent, in Kathua by 15.1 per cent, in Bani by 31 per cent, in Basohli by 16.4 per cent, in Billawar by 21.9 per cent, in Hira Nagar by 9 per cent, in Gulabgarh by 31.8 per cent, in Gool Arnas and in Reasi by 31 per cent, in Udhampur by 23.4 per cent, in Ramnagar by 24.4 per cent, and in Chenani by 18 per cent.

Other highlights included (1) the Congress' lead in 21 segments as against 13 in the 2008 Assembly elections and the BJP's lead in 13 as against 11 and (2) the Congress vote shot up to whopping 19.1 per cent and that of the BJP to 11 per cent. In 2008, while the Congress had polled 23.1 per cent voters, in 2009, it polled 42.5 per cent. As for the BJP, it polled 21.9 per cent votes in 2008 and 32.9 per cent in 2009. The Congress gained because the NC did not field any candidate in the Jammu province. The NC had polled 19.4 per cent votes in 2008 in the Jammu province. That means the NC transferred its vote bank to the Congress candidates. As far as the BJP was concerned, it gained at the expense of others, including the BSP, two independent candidates in Kathua and Bishnah constituencies and the JKNPP. Kathua and Bishnah were the constituencies where the BJP candidates had forfeited their security deposits just four months ago despite hectic campaigning. The JKNPP did not field its candidate in the Jammu-Poonch parliamentary constituency. That the BJP appeared to have gained at the cost of independent candidates can be seen from the fact that while the independent candidates had polled 17.9 per cent votes in the 2008 Assembly elections, they polled just 6.8 per cent votes in the 2009 general elections.

The verdict 2009 suggested that the BJP was down but not out and that if the Congress is to retain number one position in the Jammu province, it has no other alternative but to work hard and come up to the expectations of the people of Jammu province. Another message of the 2009 verdict was that the people of Jammu province could not be taken for granted.

Vote for good governance

The people of Jammu and Kashmir needed a good, transparent, accountable and impartial government. They needed a government that could cater to their basic needs and solve their day-to-day problems. They also needed a dispensation that was genuinely committed to eradicating unemployment and restoring peace and normalcy in the

state by neutralizing the scourge of terrorism and extremism. They all wanted to lead a dignified life and carry on their professional, economic and social activities in a peaceful environment. Even a superficial analysis of the 2008 and 2009 election verdicts would establish that the people of the state had voted for government that could deliver and come up to their expectations. It would be a great folly if one fails to take into account the fact that over 60 per cent eligible voters exercised their franchise in 2008 and approximately 45 per cent in 2009. There was no coercion. The people took part in the festivals of democracy with enthusiasm on their own and did not pay any heed to the separatists' threats.

Those who said that the people's participation in the Assembly and Lok Sabha elections should not be construed as a verdict against those who considered Jammu and Kashmir as a disputed territory were simply playing a foul game to create confusion in the minds of the people, further their sectarian agenda and steal some headlines. Similarly, those who strongly urged the Governments of India and Pakistan after the declaration of these results to resolve the Kashmir issue taking into account the aspirations of the people of Kashmir only sought to vitiate the state's atmosphere to achieve the same objective and create political instability in the state. They, including the PDP and APHC leaders, who consistently advocated such views, in no way represented the general will of the people. They constituted a minority. They were the ones who strove to the hilt to make the people boycott the Assembly and Lok Sabha elections, but with no result. They had nothing to do with the general populace. They were guided solely by their vested interests. They were determined to play with the sentiments of the innocent and emotional people and thrive on the blood of the innocents. They saw in the anarchy golden opportunities for them and they saw in the restoration of peace in the state their own destruction and irrelevance. And, hence, their desperate attempt to rake up divisive, unsettling and emotive issues and undermine the significance of the election verdicts.

However, the worst part of the whole situation was that several of our own Delhi-based opinion leaders were endorsing the views as were being aired by those whom the people of the state, including Kashmir, rejected in 2008 and 2009. So much so, some of our opinion-makers had urged the Union Government to seize the opportunity and undertake

measures aimed not only at pleasing the APHC leaders but also enabling the state to enjoy greater autonomy. Former Vice-Chancellor of Jammu University, Amitabh Mattoo, who belonged to this category of opinion makers, had even gone to the extent of asking the Union Government to go in for general amnesty, withdraw from the state anti-terror laws, throw open the borders and so on.

Not just this, a number of our leading opinion leaders regretted the decision of the Congress to enter into an alliance with the NC and form a coalition government in the state. They wanted the Congress party to again join hands with the PDP and hand over the state power to Mufti Mohammad Sayeed on a platter as it happened in November 2002. Their argument was that the Mufti alone could carry forward the "peace process" between the two countries – India and Pakistan. It is, however, a different story that this brand of opinion leaders, including Amitabh Mattoo, who also vouched for the self-rule doctrine of the Muftis, conveniently overlooked the fact that it was the PDP that had ensured the collapse of the Congress-led government on the Amarnath land issue and played the role of opposition and enjoyed the loaves and fishes of office at the same time.

It is amazing that our opinion leaders put forth divisive suggestions. Had these suggestions been accepted and implemented, these would have led to serious troubles in the state. While putting forth suggestion, they did not remember that what the Kashmir-based votaries of autonomy or self-rule or demilitarization and so on had been advocating was what the people of Jammu and Ladakh opposed tooth and nail. It is no more a secret that the people of Jammu and Ladakh and the displaced Kashmiri Hindus want to link their fate with New Delhi for better for worse. It is also an established fact that they want a dispensation that empowers them politically as well as economically so that they could exercise co-equal powers with their Kashmiri brethren.

It is not just the people of Jammu and Ladakh and the displaced Kashmiri Hindus whose attitude to the kind of politics that is being indulged in by the Kashmir-based leaders is very hostile. The people of Kashmir are also vertically divided into several groups demanding autonomy, self rule, merger with Pakistan, independence from both India and Pakistan, a separate homeland in the Valley and full merger of the state with the rest of the country. In other words, there are contradictions in the political perceptions of the people of Kashmir

and Jammu and between the former and Ladakh.

And, if our opinion leaders still insist that the Union Government should again initiate the dialogue process with the Kashmiri separatists, accommodate the Pakistani viewpoint and consider such divisive and communal formulations as autonomy, self-rule and shared sovereignty, then it can be said without any hesitation that something is wrong with those who are masquerading as trouble- shooters, conflict-managers and secularist of secularists.

Minorities and Union Council of Ministers

Prime Minister Manmohan Singh constituted his Council of Ministers on May 28. It took him no less than 12 days to complete the exercise. One can understand the reasons behind this inordinate delay. However, it was obvious that he constituted his ministry after consulting Sonia Gandhi. Reports suggested that Manmohan Singh and Sonia Gandhi met umpteen times between May 16 and 27 to finalize the names of those to be inducted in the Council of Ministers and the portfolios to be allotted to the new incumbents.

Even a cursory glance at the composition of the Council of Ministers would suggest three things. One, most of the newly appointed ministers were family members of the erstwhile Union Ministers and former Rajas and Maharajas. Some of the newly appointed ministers were also multi-millionaire. They obviously represented the moneyed class and business interests. Hence, the new Council of Ministers simply couldn't be termed as the ministry of "*Aam Adami*" (common men), the Prime Minister and the UPA chairperson talked about during the intense election campaigning. The composition of the Council of Ministers did negate the very political philosophy of Jawaharlal Nehru, who in December 1929 told the Lahore Congress: "I must frankly confess that I am a socialist and a republican, and am no believer in kings and princes, or in the order which produces the modern kings of industry".

Two, the Prime Minister and the AICC president again succumbed to the blackmailers' pressures. They could have very easily showed the likes of Shard Pawar of the Nationalist Congress Party (NCP) and M. Karunanidhi of the Dravida Munnetra Kazhagam (DMK) their rightful place and accommodated persons with sound credentials in the ministry, but this did not happen. Three, both the AICC president and the Prime Minister left the non-Muslim minorities in Jammu and

Kashmir in a lurch. In other words, they did not apply the principle of protection of minorities in the state. It was the majority community in the state that got protection. The Prime Minister inducted into his Council of Ministers two persons from the state – Farooq Abdullah from Kashmir and Ghulam Nabi Azad from Jammu. Farooq Abdullah was given berth in the Union Cabinet despite the fact that the Leh District Congress Committee was against his induction. The District Congress Committee opposed his induction because the NC had, according to it, violated the seat-sharing formula.

The yardstick applied by the Prime Minister was a negation of what the Congress fought for in 1909, exactly 100 years ago. It needs to be recalled that the Congress had condemned the regulations framed under the Indian Councils Act of 1909 and adopted resolution after resolution in December 1909 to register its protest against the British Government. A Congress delegate from Punjab Sunder Singh Bhatia, like Madan Mohan Malaviya, who presided over the 24th session of the Congress at Lahore; and Surendranath Bannerjea, "the King of Bengal", was highly severe in his criticism of the regulations. He denounced the regulations framed for the Punjab province on several grounds: firstly, "the numerical strength of the Council was inadequate"; secondly, "the elected element was small"; thirdly, "the principle of protection of minorities applied in the case of Muslims in other provinces was not applied to non-Muslim minorities in the Punjab"; and fourthly, "the regulations practically kept the non-Muslims of the Punjab out from the Imperial (Legislative) Council".

Reflecting on the fourth objection, Sunder Singh Bhatia said: "In the Punjab, the Hindus were in a minority as compared with the numerical strength of the Muslims. Although the Congress had condemned the institution of separate electorates and the granting of differential and preferential rights to any particular community on the score of religion, it was unfair that Hindus, including Sikhs, in the Punjab, were not treated on a footing of equality with the Muslims in other provinces. Of the elected seats in the Legislative Council of the Punjab, three had gone to the Muslims and one to the Hindus. Therefore, in the Punjab, the principle of protection of the minorities had been applied in the wrong way, for it is not the minorities that get protection. It is a case of the majorities as it were, swallowing the minorities" (Ghose, Pansy Chaya, *The Development of the Indian National*

Congress, 1892 – 1909, Firma K.L. Mukhopadhyay, Calcutta, 1960, P. 231).

As for Surendranath Bannerjea, he introduced a resolution in the Congress denouncing the regulations. He said: The regulations had given an "excessive and unfairly preponderant share of representation...to the followers of one particular religion" and that the regulations made "humiliating distinctions between Muslim and non-Muslim subjects of His Majesty" (*Ibid*., P. 229). Almost identical was the reaction of Madan Mohan Malaviya (*Ibid*., P. 228).

The non-inclusion of Karan Singh, Madan Lal Sharma and Lal Singh in the Union Council of Ministers established that the powers-that-be in New Delhi treated the non-Muslim minorities in Jammu and Kashmir in the same way the British treated the non-Muslim minorities in the Punjab in 1909. Karan Singh is a Congress veteran. On the other hand, Madan Lal Sharma and Lal Singh had won the general election second time in a row. The people of Jammu province had defeated the BJP candidates and stood solidly behind Madan Lal Sharma, and to an extent Lal Singh, entertaining the hope that their vote for the Congress candidates would automatically mean a berth or two for Jammu in the Union Council of Ministers and that they would be there in the country's highest decision-making body. Their high hopes did not materialize. Their exclusion from the Union Council of Ministers created an impression in Jammu and Ladakh that Kashmir and the state's majority community alone matter in the New Delhi's corridors of power.

It was not for the first time that the powers-that-be in New Delhi treated the non-Muslim minorities in the state so shabbily or allowed the political elite to violate the principles of secularism and democracy when it came to the empowerment of Jammu or the non-Muslim minorities. They did so umpteen times in the past as well.

Thus, the Congress party, which had been hailed by the people of Jammu in 2008 and which got maximum support from them in the general elections, was criticized by the same people after the formation of the NC-led coalition government in the state, as also after the reinstallation of the Congress-led UPA government at the center in 2009. The reasons were obvious.

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CHAPTER – VIII
OBSERVATIONS & SUGGESTIONS

1. People of Jammu participated in the land agitation with great enthusiasm and in the process suffered immense losses, but happily. They scored a magnificent ideological victory over a primitive and unaccommodating exclusive ideology on August 31, 2008, when the authorities reached an agreement with the SAYSS, accepted almost all of their demands and agreed to restore the Baltal land to the SASB. They were extremely jubilant. They entertained the hope that the SAYSS in general and its convener Leela Karan Sharma in particular would continue to play the role of watchdog and serve the cause of nation with commitment and dedication. This hope had stemmed from the solemn commitment of Leela Karan Sharma to that effect. It turned out to be a false hope. Personal ambition and the lust for power prevailed upon the SAYSS' convener and he jumped into the electoral arena. The people punished him by inflicting a crushing defeat on him. It was indeed a classic example of opportunism. Had he held aloof from the political arena and not contested election, he would have served the cause well. For, he had emerged out as a leadership figure, notwithstanding his some acts of omission and commission. By contesting election, Leela Karan Sharma simply shattered the people's faith in the SAYSS and established that it was as selfish and opportunistic as other formations, the Jammu-based BJP, the Congress and the JKNPP included.

The people of Jammu do not have a leader of the stature of Pandit Prem Nath Dogra, who refused to exploit his position for personal gains. They need a leader of his stature at this critical juncture. It is a critical juncture in the sense that the votaries of Kashmir's independence and merger with Pakistan and ardent believers in the concepts of greater autonomy, self-rule and soft and porous or irrelevant borders have become quite active. They are pushing the Indian nation to the wall

with a view to implementing their sectarian agenda and getting the state segregated from India. Only a strong and stable Jammu can defeat the evil designs. And, if Jammu is to play that role, which it can, it has to have a committed leadership.

2. New Delhi's policy towards Kashmir is flawed. It has never considered Kashmir as an integral part of India to the same extent as other states. It has granted concession after concession to Kashmir at the behest of those who have all through held the view that Kashmir is a disputed territory and that India has gone back on its commitment that the Muslims of Kashmir would be given the right to self-determination. So much so, it has granted to the state the right to have its own constitution and a separate flag, as also the right to exercise residuary powers, and not done anything substantial to eliminate the menace of secessionism and fundamentalism. The result has been the promotion of separatism and fanaticism in Kashmir and the neglect and persecution of the non-Muslim minorities in the state as well as the emergence of a dispensation that outrages their religious sensitivities and negates the very principles of secularism and democracy at regular intervals. It's no wonder then that the extremists as well as the protagonists of autonomy, self-rule and the state's merger with Pakistan have been ruling the roost and spreading their tentacles beyond Kashmir.

As long as the separatists continue to operate in the manner they have been allowed by the Indian state, the situation in Jammu and Kashmir cannot improve. In other words, the Kashmir Valley and other parts of the state would continue to witness not just acts of terrorism, but also what the nation witnessed in Kashmir and Jammu between June and August 2008. New Delhi just can't afford to rely on those who are actually responsible for what has been happening in the state. In fact, by relying on them, New Delhi has been undercutting its own objectives – restoration of peace and creation of secular and democratic constituency in the Kashmir Valley.

It is time New Delhi learns lesson from the past mistakes and reviews its Kashmir policy. It has to remember that pumping into Kashmir more money or generous aid, pampering the extremists and separatists and accommodating the viewpoints of the formations like the NC and the PDP would simply mean an addition to the woes of the nation. Continuation of such a policy only means aiding separatists and fanatics in Kashmir, who are being supported and sustained not

only by Pakistan's dreaded Inter-Service Intelligence, but from the inside Valley as well, and from those who are wrecking the Indian state from within. We just cannot win "hearts and minds" in Kashmir by pursuing such a flawed policy. Continuation of such a policy would also mean a deliberate affront to those whose support and loyalty to New Delhi has been exemplary, notwithstanding their neglect and persecution.

The choice before New Delhi is limited. To mark time would be lose Kashmir. The right course is to tell it in unequivocal terms to behave and not do anything that weakens the Indian state, humiliates the non-Muslim minorities and imposes its regressive ideology on others. It should be coupled with an unambiguous warning that the Indian state shall act and act decisively in case it continues to indulge in anti-state and anti-social activities. If the state is to live in peace and communal harmony to be maintained, New Delhi has to change its policy as well as the mindsets of the Kashmiri leaders by all means. In other words, the Indian state has to bring Jammu and Kashmir at par with other states of the Union and introduce a reform scheme that treats all the regions of the state and the different communities they house equally at all levels, without any exception. The existing system cannot go on forever. It has outlived its utility. In fact, it has utterly failed.

Similarly, while the general political, economic and religious rights of the Muslims of the state should be guaranteed and protected, a mechanism has to be evolved that prevents the vested interests from misusing their holy places. At the same time, New Delhi and the Muslim leadership in Kashmir must learn how to deal with the religious issues concerning the sensitive minorities in the state, including the displaced Kashmiri Hindus. The Delhi-based opinion leaders, academics, human rights activists and trouble-shooters have also to look all these facts in the face, change their mindset and act accordingly. There is no other way to defeat the reactionary and backward-looking leaders whosoever they are and wherever they are. Such an approach is not inconsistent with the cardinal principles of secularism. Secularism and democracy mean an all-inclusive ideology and no threat to national unity and integrity.

3. New Delhi has failed the minorities in Jammu and Kashmir. It has never given any kind of respectability to their leaders. Fighting forces which are multifarious, complex and international, these leaders

are feeling hapless. Such is the situation that they always look towards the Kashmiri leaders who, instead of befriending them, dismiss them as creatures who deserve only crumbs.

The authorities in New Delhi must take on board the minority communities and respect their leadership. They have to abandon the policy of dividing and weakening the non-Muslim leadership. Pampering the Kashmiri leadership and ignoring the leadership of the minority communities is not good politics. The strong, stable and recognized non-Muslim leadership is also the need of the time. It can play an important role and act as a healthy interface between the Union Government and the state. It can also help New Delhi bringing peace to the strife-torn Jammu and Kashmir. As for the minority leadership, it has also to learn how to ensure an effective and real say in the governance. Policy of mendicancy never pays. It proves counter-productive and only harms. It has actually happened in Jammu.

4. Pakistan has been bleeding India by a thousand-cut ever since 1947. It has done all that it could to destabilize India to achieve its objective. It has been doing its best to "finish the unfinished agenda of partition". Its stated objective is: Integration of Jammu and Kashmir into Islamabad because it is a Muslim-majority area. Some in the Pakistani political and military establishments even cherish the dream of hoisting the Pakistani flag on the ramparts of the New Delhi's Red Fort. The meaning is clear. The approach of New Delhi towards Pakistan, which has turned out to be the global-terrorist base, is as uninspiring and lackluster as it is ambiguous. Its thinking is, undoubtedly, muddled. India continues to announce unilaterally confidence-building measures without realizing that Islamabad has all along construed all these measures as a sign of weakness. Instead of reciprocating the Indian gestures, Islamabad is blackmailing India and using the American financial aid to strengthen its war machine against India and exporting terrorists to Kashmir and other parts of the country. It is no secret. It is also too well-known that Islamabad has been consistently providing succour and sanctuary to the Kashmir-based militants in the Pakistan-occupied-Kashmir and other parts of Pakistan and that the major terrorist-training camps are located not only at the borders of Pakistan, but also inside the country, as near as Islamabad and Rawalpindi. In short, Pakistan is producing forces of jihad, helping the Kashmir-based extremists and jeopardizing the Indian interests.

One simply cannot resolve the so-called Kashmir problem without solving the aggressive Pakistan. Islamabad, which has violated the UN resolutions on Kashmir, ceded certain strategic areas of the state to China and not vacated the aggression, needs to be told in unambiguous language that India is not afraid of the fact that Pakistan is a nuclear-weapon state and that the reconciliation between the two countries is not possible because one is a secular and democratic state and the other essentially theocratic and exclusivist. It should also be told in clear terms that it must end the scourge of terrorism and dismantle the terrorist-related infrastructure. Besides, New Delhi should stop saying that it is not opposed to the idea of soft borders between the two countries. Will Pakistan ever endorse the suggestion of porous borders between it and Afghanistan, although both are Islamic states? Surely, it will not. Then, why New Delhi toys with such dangerous and uncalled for ideas? War may not be the viable option. But nobody can prevent us from taking on Islamabad diplomatically and politically, exposing its blackmailing tactics and convincing the civilized world that Pakistan is challenging the Indian security. India has to exert diplomatic and other pressures so that the international bodies like the Security Council are persuaded to uproot all the terror-producing factories in Pakistan and direct Islamabad not to meddle in the internal affairs of India. It is also time to examine the implications of the Barrack Hussain Obama-led United States' policy towards Pakistan, imitate Israel, or even China, and tell Islamabad that our patience has ended. We will not let Islamabad wound us any further and we will not allow the United States to poke its nose in the internal matters of India. This should be our resolve.

5. During the days of agitation in Kashmir, some of our desperate mainstream opinion-leaders suggested that it was time for India to allow the Muslims of Kashmir to decide their own political future. Their appraisal of the situation in Kashmir did not increase the confidence of the nation. It would not be an exaggeration to say that they behaved like the defeatists. Their appraisal did create a sort of confusion and emboldened the separatists and extremists. Their approach was both fatally shortsighted and suicidal. Did they ever recommend such approach when Punjab was engulfed by the secessionist militancy? None of our established mainstream opinion leaders put forth such a suggestion. Should it be taken to mean that India could do without a Muslim Kashmir, but not without Punjab which houses basically non-

Muslim communities, including the Sikh community and the Hindu community? And, what about the North Eastern states, especially Mizoram and Nagaland, and even Tamil Nadu? All these states have witnessed secessionist movements. Some of the North Eastern states are still in ferment. Will our mainstream opinion leaders treat these states at par with the Muslim Kashmir and recommend right to self-determination? They may not.

Why, then this dual approach? Those who hold the view that segregation of Kashmir from India would enable the Muslims of Kashmir to lead a life they cherish are mistaken. They are obviously living in a world of the past. They must remember that the separation of Kashmir from India would not only harm the interests of Kashmiri Muslims, but would also enable the dreaded Taliban to establish their stranglehold over the Valley. In other words, the Kashmiri Muslims would be the greatest losers. We would do well to remember what the Taliban did in the Pakistan's Swat Valley or in most of the North West Frontier Province and Baluchistan. We must abandon the defeatist approach and work together so that the Kashmir's polity is secularized and democratized and the displaced Kashmiri Hindus returned to their original habitat and lead a life of dignity under a dispensation of their own liking. We must resolve that we will not allow another communal partition and that we will not allow any exclusive ideology to flourish.

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APPENDICES

APPENDIX – I

BALTAL LAND CONTROVERSY

Lt Gen (Retd) S K Sinha, Former Governor of J & K

The unfortunate controversy over the 100 acre plot of waste forest land at Baltal, which does not have a single tree and which is unapproachable and uninhabitable for seven months in a year, due to heavy snow, led to the fall of a State Government, and has threatened national integrity. It has polarized the population of the two regions of the State causing about a dozen deaths in each region, as also loss of thousands of crores in both regions. The facts connected with this controversy need to be recorded objectively, shorn of misinformation and bias. Traditionally, this plot of land was being used as a camping site for pilgrims going to the Holy Cave, along the northern route, for many years before the Amarnath Shrine Board came into existence in 2002. The 12 km difficult mountain track to the 13,500 feet high Holy Cave, half way to Mount Everest, starts from Baltal. This site is not used for any other purpose than setting up of temporary camp for the Amarnath pilgrimage.

Transfer or diversion of forest land to different Government or even private agencies has been a common practice in Kashmir. Thousands of acres have been transferred or diverted to the PWD for construction of roads, to the Power Corporation for hydel projects, to Reliance, a private company, for constructing communication towers, to the Education Department for educational institutions and so on. On 26 May 2008, six such land transfers were approved by the State Cabinet. This included the diversion of the 100 acre plot at Baltal to Shri Amarnath Shrine Board. It was specifically stated in the Government order that the ownership of the land shall remain with the Government. The Shrine Board could use this land only for the sole

purpose of putting up temporary prefabricated accommodation. And for this facility, SASB was required to make a one time payment of 2.5 crores. Communal elements which had brought about the ethnic cleansing of over 3 lakhs Kashmiri Pandits from the Valley had a pathological aversion to a Hindu pilgrimage in the Valley. Whereas no objection had been raised to the transfer of some forest land to Mata Vaishno Devi Shrine Board in Jammu region, a few years earlier, all hell broke out when the Baltal land was diverted to Amarnath Shrine Board. Article 370 and the other provisions of law apply equally to Jammu region and to the Valley.

Kashmiriyat stands for amity and brotherhood among mankind, cutting across any religious divide. I had seen *Kashmiriyat* in action in the critical days of October 1947, when Baramulla had suffered indescribable pillage, plunder and rapine, and when Srinagar faced a grave threat of a similar fate. The Indian Army had come to the rescue of the people of Kashmir. While the rest of the Sub-Continent, including the Jammu region, was aflame with unprecedented communal violence, there was no communal tension or violence in Kashmir. The city of Srinagar resounded to the slogan of "*Hamlewar Khabardar*: *Hum* Kashmiri Hindu, Muslim, Sikh, *Tayar*." Mahatma Gandhi had then said that he saw a ray of hope in Kashmir. My opening remarks on taking over as Governor of the State were that Jehangir was right when he described Kashmir as Paradise on Earth because of its scenic beauty, but to me what was more important was that *Kashmiriyat* is a message of Paradise. Accordingly, I went all out for five years that I was the Governor of the State to promote *Kashmiriyat*. I remained undeterred by the jibe that Kashmiris did not have to learn *Kashmiriyat* from a non-Kashmiri nor by any criticism of my concept of *Kashmiriyat*. Religious fundamentalism has been the root cause of militancy in Kashmir and I wanted to neutralize this evil through promotion of *Kashmiriyat*.

Starting from 2003, after each of the six Amarnath *Yatras* that I inaugurated by offering prayers at the Holy Cave, I followed it up by placing a '*chadar*' the same day on the grave of Sheikh Nooruddin at Charar-e-Shareef. He is the patron saint of Kashmir, who is equally revered by Kashmiri Hindus. They call him Nund Rishi. I got the Army to construct a large shed with jute carpeting for pilgrims coming

for Urs at this shrine. At my instance, the Army renovated several *Ziarats*, at the request of the local cleric and the local people for three years. In 2007, the *Ziarat* at Budgam was elaborately renovated by the Army on my request. On its completion, at a largely attended public meeting at Budgam, the local people expressed their gratitude to the Army and thanked me for the excellent renovation work that had been done. Possibly, this was a bit too much for the fundamentalists to swallow. They feared losing the support of the people. The Chief Cleric issued a *Fatwa* against the Army on the plea that Islam did not permit a non-Muslim to do any work at a Muslim Shrine. The Army has no religion as such. Hindus, Muslims, Sikhs and Christians serve in the Army and the funds used for renovation were not from any religious community but provided by Government of India. If Haj subsidy given by the latter was acceptable, how could renovation of *Ziarat* at the request of the local people and the local cleric be objected to? On 2 October 2007, Chief Minister Ghulam Nabi Azad organized a Sate wide essay competition for school children on Mahatma Gandhi. The fundamentalists called for a boycott of this competition. Yet over 50,000 students from all over the State participated in this competition. The Chief Cleric issued a Fatwa against Ghulam Nabi Azad for subverting Islamic ideology. I had three days Sufi music festival organized every year starting from 2004 to mark the commencement of the Amarnath *Yatra*. In 2004 for the first time we had Sufi musicians from Pakistan perform in Srinagar at this festival. While the controversy over diversion of land at Baltal to the Shrine Board was building up, we had a very successful and largely attended Sufi music festival at Srinagar, with participation of Sufi musicians from Egypt, Uzbekistan, Syria and Pakistan. A day before the commencement of the *Yatra* on 17 June 2008, I took the local NC MLA of Baltal area, Mian Altaf, to the Baltal camp. He was much impressed by the arrangements for the *Yatra* and the enthusiasm of the local people for the *Yatra*. He issued a statement saying that the *Yatra* should not be communalized nor politicized. The CEO of the Shrine Board took Rafeeq Mir, the local PDP MLC to the other *Yatra* Base Camp at Pahalgam and he was also appreciative of the *Yatra* arrangements.

The high water mark of our efforts at promoting *Kashmiriyat* was the inauguration of the Institute of Kashmir Studies as an

autonomous body in the University on 25 May 2008. Earlier, we had set up a Centre for Kashmir Studies in Kashmir University to carry out research on Kashmiri philosophy, culture, literature, art, history and so on. We held highly successful international seminars, including one on *Kashmiriyat*, which was attended by scholars from Pakistan and Central Asian Republics. We now decided to expand the activity of the Centre to cover all the South Asian countries in conjunction with the South Asian Foundation set up under the patronage of UNESCO. Messages of goodwill were read out at the inaugural function from various dignitaries, including Secretary General UNESCO. All the eight South Asian countries sent high powered delegations for the inaugural function. Sri Lanka was represented by Chandrika Kumartunga Bandarnaike, Afghanistan by Dr Ghaznaffar, senior Cabinet Minister and Pakistan by Begum Talma Hashmi, daughter of the legendary Urdu poet Faiz Mohammad Faiz. She is high up in Pakistan civil society and politics. Never before had such a mega international event been held in Srinagar. The following day we had the Junoon Sufi Pop Music band performing at Srinagar. The *Jehad* Council had requested the Pakistan Government not to allow this band to come to Srinagar but this request was not heeded to by the latter. The terrorists held out death threats for the band party and the fundamentalists called for a boycott. Yet this band concert was a resounding success, enthralling an audience of several thousands near the Dal Lake. Sameer Ahmed the leader of Pakistan Band in his opening remarks stated that he had come to Srinagar to launch a musical *Jehad* for peace. *Dawn*, the leading English daily of Pakistan, in its editorial under the heading Breaking Barriers, in its 28 May 2008 issue wrote, "Music knows no barriers….The people of Kashmir expressed their anger against religious militants and their violence."

It was inde an irony that the high water mark of our efforts to promote *Kashmiriyat* coincided with a *Jehad* launched by the communal and anti-national forces against the diversion of land to the Shrine Board. Total falsehoods were being propagated to mislead the people and arouse communal passions. A canard was spread that the Shrine Board w-s bringing Hindus to establish a Hindu township at Baltal, with a view to changing the demography of the Valley, like Israel had done in Palestine. Who in his senses can imagine such a possibility at

Baltal which remains unapproachable and uninhabitable for over seven months in a year? Amusingly, a senior "secular" journalist at Delhi to prove his loyalty to PDP, for reasons not difficult to guess, started having hallucinations about the Shrine Board putting up hotels at Baltal! When the over 3 lakh Kashmiri Pandits forced out of the Valley have not been able to return to the Valley, how can anyone imagine that people will come to settle at Baltal. Would any State Government allow them to settle in Kashmir, when for the last over 60 years 30,000 West Pakistan non-Muslim refugees who came to Jammu and whose number has now swollen to more than 1 lakh, have so far been denied elementary democratic rights. They cannot vote in State elections, cannot acquire land or immovable property, and are not eligible for any State Government service. Their children are denied admission to technical educational institutions like Medical or Engineering Colleges. Their counterparts who settled elsewhere in India, were given full citizenship rights, with two of them becoming Prime Minister and one Deputy Prime Minister. Incidentally, these communal and anti-national elements so concerned about diversion of 100 acre plot of land at Baltal had maintained a thundering silence when Pakistan ceded 5000 square of Kashmir territory to China. Neither the Government nor any of the mainstream political parties tried to rebut their false and vicious propaganda. The Valley Press with its communal and anti-national bias was only too happy to fuel the communal fire. It started propagating that I as Governor in the last week of my five year tenure expiring on 3 June, had issued the order transferring land. The diversion of land on the recommendation of two PDP Ministers was unanimously approved by the State Cabinet. It is elementary knowledge that the Government and not the Governor orders diversion or transfer of land. Yet not only the biased Valley Press but some senior journalists of our national media trying to wear their secularism on their sleeves started parroting the falsehood of my ordering the transfer of land. They continue to do so even now despite all clarifications. There are also several other falsehoods and half truths being propagated against the Shrine Board and the *Yatra* to arouse communal feelings. To add to all this, the PDP which was part of the Government and whose Ministers had been a party to the decision on diversion of land, joined the bandwagon of the agitation against it, to draw political mileage, in

view of the coming elections. Yet they did not want to withdraw support and make the Government fall till they had a Governor of their choice at the helm during the inevitable Governor's rule that would follow. Another facet of this theatre of the absurd was that the Congress High Command's very own PDP pulled the rug from under the feet of a Congress Chief Minister after leading the Congress party up the garden path to commit political suicide in the State.

The communal and anti-national forces, which had been rattled by the success of our efforts to promote *Kashmiriyat*, realized on the basis of past experience that issuing of *Fatwas* may not yield much result. Therefore, they now chose a virtual non-issue of land diversion at Baltal to launch their vicious propaganda. They proved the validity of the Goebbelian theory. Repeat the Big Lie in a sustained manner and over a period of time people would begin to believe that Hell is Heaven and Heaven is Hell. Our failure to effectively rebut their false propaganda, and the Valley Press totally behind the separatists, blacking out or distorting facts, made things worse. By the third week of June, people had begun to take to the streets to stage demonstrations against the land diversion at Baltal. On 24 June, the Police had to open fire against a violent mob resulting in one death. I left Srinagar on the morning of 25 June. Chief Minister Ghulam Nabi Azad assured me during my farewell at the airport that he would be holding a Press Conference that afternoon to clarify matters. He was confident that the agitation would die down. He duly held his Press Conference that afternoon but it had little effect. The agitation continued to snowball and became more violent. May be if a concerted effort had started a week earlier to clarify matters and rebut false propaganda, the point of no return would not have been reached. How right was a British Prime Minister, Harold MacMillan, when he said that a week is too long in politics?

I am afraid that after a change in regime effective from 25 June and under the directions from Delhi, the controversy was handled in a ham-handed manner. Instead of the Shrine Board writing that it no longer needed the Baltal land and the Government revoking the land diversion order, the Shrine Board could express its inability to pay 2.5 crores for the land and the Government could then have revoked the land diversion order but at the same time stated that the Shrine Board

will be allowed to use of the land, as heretofore. Possibly that could have taken the wind out of the sail of the agitation in the Valley without arousing strong feelings in Jammu. At this stage, I may digress a little to explain why the Shrine Board had asked for the Baltal land in 2005, when it had the use of the land as per the verdict of the High Court. There were three reasons for doing so. First, in 2005 soon after the *Yatra*, the Shrine Board had dismantled the prefabricated shelters and made them available for earthquake victims at Uri and Tangdhar. Dismantling and re-erecting shelters caused damage and avoidable loss. If the land was made available to the Board this process could be avoided and the temporary structures left standing. We had suggested that during the non-*Yatra* period, the Tourist Department could use that accommodation for normal tourists and for organizing winter sports. Second, Baltal area is prone to avalanche in winter. If the land was available to us, small three to four feet high guide *bundhs* could be constructed to deflect the snow and protect the prefabricated shelters and stores. Third, as part of the plan for black topping rural roads, the State Government had included the 15 kms dirt track from the National Highway to the Baltal camp, in this scheme. The PWD Minister from the Congress, Shri Gulchain Singh Charak, got the work started on this project. A few days later, the then Forest Minister, Shri Tariq Hameed Qarra, visited the site and had the work stopped saying that his approval had not been obtained for the project. Three years have elapsed and this deadlock has not yet been resolved. This is a sad commentary on the functioning of the then Coalition Government. Of course, Qarra and his cohorts in PDP could get away with a whole lot of things, whether it was his deep involvement in the multi-crore forest scam as brought out by the Kundal Inquiry Committee or his absurd proposal to introduce Pakistan currency in Kashmir. The allocation of the Baltal land to us could have surmounted the three difficulties enumerated above. Hence, the request for the land had been made.

Besides our failure to rebut the false propaganda against diversion of Baltal land, the manner in which the problem was handled after 25 June compounded matters. The illegal revoking of land diversion order contrary to a judicial verdict was bad enough; the State Government went on an overdrive in its policy of appeasement. It agreed to much more than even the demand of the agitators. Amarnath

Shrine Board was virtually dismantled for its "crime" of having made a request for allocation of Baltal land in 2005. The functions of the Board were to be taken over by the State Government and the Board's role was to be confined to religious rituals at the Holy Cave. The members of the Board were made to resign and the Chief Executive Officer of the Board removed. Perhaps the Government was hoping to score brownie points in Kashmir, confident that it could contain any adverse reaction in Jammu. There was much jubilation in the Valley over the great victory of their movement and it was now being proposed that the Vaishno Devi Shrine Board, which had been a big success story, should also be reorganized. It had on its own put up a modern 200 crore technical University at Katra without any assistance from the Government and was similarly completing a 100 crore state of the art 250-bed Cancer hospital.

No one anticipated the storm that would broke out in Jammu against the Government's blatant appeasement policy over the Amarnath controversy. The pent up feelings of the people found a spontaneous outburst in an unprecedented people's movement which was sustained at a very high pitch for over two months. Despite my long and very recent association with the State, I could never imagine that there would be such a strong public outburst in Jammu. The resentment of the people burst onto the streets like a big deluge. For a long time, the people of Jammu were nourshing their numerous grievances against the several discriminations meted out to them. It was not only issues like delimitation, reorganization of districts, employment opportunities or allocation of development funds, but also the many double standards adopted by the Government. The Mata Vaishno Devi Shrine Board bought land at Katra for 13 crores for Mata Vaishno Devi University. Baba Ghulam Shah University was provided land free at Rajouri. Much hue and cry was raised regarding damage to ecology due to Amarnath Yatra where not a single tree was cut, no wild life was disturbed, no permanent accommodation was put up and due precautions were taken to prevent pollution. The Mughal Road under construction had led to the cutting of over 10,000 trees, shifting of a 25 km long wild life sanctuary, construction of permanent accommodation and building of a highway over which thousands of vehicles would ply every year, polluting the atmosphere with carbon

emissions. Yet it was only the *Yatra* which was being targeted for ecological reasons. An Islamic University was put up at Awantipura for which the Government gave land free and also helped with infrastructure. I got the Army as part of *Sadbhavna* to level the ground and do landscaping as also put up a structure. I visited the University, interacted with the students as also gave a handsome donation from my discretionary grant to the University Library. The Government gave land free to another such University, the Trans-World Islamic University at Budgam. Secretary General of Al Hadees, Shri Abdur Rahman, who runs some 500 *Madarsas* in the State, contacted me for help in putting up the Trans-World Islamic University, which I readily agreed to give. On the one hand, both the State Government and I had been responsive to the requirements of two Islamic Universities in the Valley, my proposal to put up Shardapeeth University was stoutly opposed and ultimately scuttled, despite the fact that the Chief Minister was fully supportive of the project. Shardapeeth was an ancient seat of learning whose extensive remains are near Muzaffarabad in Pakistan Occupied Kashmir. Like the ancient Nalanda University being revived in Bihar, I had proposed that we could establish a Shardapeeth technical university in Srinagar on the lines of Mata Vaisno Devi University at Katra in Jammu. We had identified temple land which the Amarnath Shrine Board would purchase, although Dr Farooq Abdullah, who was taken by the idea had promised to help us in getting land for the proposed University. Amarnath Shrine Board had arranged for funds for Shardapeeth University and had not sought any financial assistance from the Government. I had proposed that being a minority institution we could reserve fifty per cent seats in this University. Forty per cent seats were to be reserved for Kashmiri Pandits, as a first step towards their return to the Valley and rehabilitation. Ten per cent seats were to be reserved for Kashmiri Muslims to preserve the *Yatra*'s secular ethos and the remaining fifty per cent for others on the basis of merit. Communalists viewed the setting up of this University as a Hindu cultural invasion of the Valley. Due to their opposition and agitation over the Baltal land, this project had to be given up.

Apart from being one of the most sustained and prolonged mass movement, the Jammu agitation had certain unique features. The movement was spontaneous and it was led by leaders who were

unknown earlier. It was not a movement organized by any political party. Although the Amarnath Sangharsh Samiti had taken up basically a religious issue, the movement was not communal like the agitation in the Valley. Several Muslim leaders and organizations supported the Jammu movement. Communal violence erupted in Poonch and Kishtwar, but elsewhere in Jammu region, communal amity prevailed, except for odd stray incidents. Some Muslim organizations from outside J & K also expressed support for the movement in sharp contrast to the prevailing mood in the Valley. Omar Abdullah's otherwise brilliant speech in the Lok Sabha during the nuclear debate, unfortunately, included an unnecessarily belligerent remark about the Baltal land. This greatly fueled the agitation in Jammu. The manner in which the Police tried to dispose off the body of Kuldeep Verma further complicated matters. There was a very adverse effect of the Jammu movement in Kashmir. During such agitations, the movement of vehicles on highways got disrupted. Thus the resultant interruption of supplies to the Valley caused much hardship to the people in the Valley. However, it was not a deliberate economic blockade as such. The separatists were quick to dub it as an economic blockade and tried to exploit the situation by demanding the opening of the road to Muzaffarabad, to beat the blockade. Here again, the Government failed to take suitable timely action and allowed the situation to worsen. Immediate airlifting of stores should have been organized as we had done in February 2005, when due to snow tsunami the Valley had been cut off. We flew in 1000 sorties of fighter aircraft of the Air Force to meet the requirements of the Valley. Had we done so also in July 2008, we could have taken the wind out of the sail of the movement for the march to Muzaffarabad. Of course, to be seen to be even handed, some essential supplies could also be airlifted to Jammu because that region had also suffered due to disruption of traffic beyond Pathankot. Even when the Army had cleared the national highway and normal traffic to the Valley had been resumed by 4 August, not enough publicity was given to this. The PDP, ever ready to play national politics in Delhi and separatist politics in Kashmir, again tried to exploit the situation with Mehbooba Mufti trying to be in the vanguard of Muzaffarabad *Chalo* march on 11 August. The events of that day were mishandled. This further inflamed anti-India feelings in the Valley. Pakistan's aim

of somehow grabbing Kashmir has remained constant but the manner of doing so, has been changing from military (war) to militancy (terrorism) and now it appears to be mass movement. The separatist in Kashmir have been trying all possible means to break Kashmir's connection with India. Whatever the cost, India cannot allow the boundaries to be changed in Kashmir. Abraham Lincoln did not allow this to happen in the USA in the Nineteenth century nor has Putin allowed this to happen recently in Russia, despite Chechanya militancy. At the same time, every effort must be made to meet the legitimate aspirations of the people of the Valley and bring about a mind change among them.

During the recent disturbances, the Army was called upon to perform a very difficult task. It faced mobs holding the national tricolour shouting slogans praising the Army, while in Kashmir mobs were holding Pakistan flag and denouncing the Army. In a remarkable display of impartiality, the Army carried out its duties, most commendably. Basically the conflict in the State has not been between Hindus and Muslims but between national and anti-national forces.

At long last, an agreement has been reached between the Government and the Amarnath Sangharsh Samiti. The agitation has been suspended in Jammu. This has been a welcome development. So far as the Baltal land is concerned, it is virtually a reversion to status quo ante, before the Government chose to revoke the land allotment order. The land is to be made available to the Shrine Board for three months every year as against about four months in practical terms, due to weather conditions. The Shrine Board has been relieved of the liability to pay 2.5 crores for the use of the land but the stipulation for dismantling and re-erecting fabricated structures every year will cause unnecessary and avoidable financial loss.

The unfortunate chain of events in the wake of the avoidable and unnecessary Baltal land controversy has caused much harm and much loss. The battle for *Kashmiriyat* has been lost in Kashmir but the war for *Kashmiriyat* should not be lost. Hopefully, the settlement reached at Jammu may prove to be a stepping stone for ultimately winning the war for *Kashmiriyat*. The struggle between moderate and tolerant Islam on the one hand and radical and intolerant Islam on the other hand got hijacked by the separatists. They tried to convert it into a Hindu-Muslim

divide. The movement in Jammu avoided the communal pitfall. The record of Kashmir and Jammu in 1947 has got reversed. In 1947, Kashmir had been a shining example of *Kashmiriyat*, while Jammu province both in its western and eastern regions was in the throes of communal violence, like the rest of the Sub-Continent. Lately, whether during the ethnic cleansing of Kashmiri Pandits, the attacks on Raghunath Temple and Vaishno Devi pilgrims, or for that matter, the recent agitation, Jammu has shown a pluralistic ethos, while *Kashmiriyat* has got so badly eclipsed in Kashmir. The war for *Kashmiriyat* can be won only when this unique heritage gets fully restored in all the regions of the State.

APPENDIX – II

Sheikh Mohammad Abdullah's message Jammu and Kashmir Chief Minister

Message

I am happy to know that His Holiness Swami Gian Giri Ji, Founder of Shiv Ashram, Naya Nangal, Punjab, has constructed a Dharamsala (Sarai) offering roofed shelter to the pilgrims to Shri Amarnath Ji Cave, which is being inaugurated on August 26, 1980. Holy Amarnath Ji Gufa has been attracting devotees and pilgrims throughout the length and breadth of the country every year. The Sarai will provide much needed place of rest for the pilgrims and I congratulate Shiv Ashram, Naya Nangal, for providing this welcome relief to the pilgrims. It is also a matter of great pleasure for me to learn that the Ashram is also running free tea and food *Langar* for the benefit of pilgrims near the Holy Cave. I am sure that the example set by the Ashram will prove a source of inspiration for voluntary social service for other philanthropic individuals and organizations.

I send my sincere best wishes to the promoters for the occasions.

(S.M Abdullah)

Srinagar,
August 25, 1980.

APPENDIX – III

Farooq Abdullah's message
Jammu and Kashmir Chief Minister

Swami Gian Giri Ji is personally known to me for the last many years. He and his followers have been rendering free *langars* during Chhari Mubarak days both near the Holy Cave and also at Baltal. It may not be out of place to mention here that Swami Gian Giri Ji, founder of Shiv Ashram, Naya Nangal, Punjab, has constructed Dharamsala (Sarai) in 1980 which was inaugurated by Sher-i-Kashmir, Sheikh Mohammad Abdullah. The Sarai offers roofed shelter to the pilgrims to Shri Amarnath Ji Cave, who come from length and breadth of the country every year. I am happy to know that the Sarai which got damaged due to snow storms in the past are being repaired and renovated by Shiv Ashram. I am sure that the example set by the Ashram will prove a source of inspiration for voluntary social service for other philanthropic individuals and organizations.

I send my sincere best wishes to Swamiji and the organizers for this noble and charitable service.

(Farooq Abdullah)

Srinagar,
22 May, 1999.

APPENDIX – IV

Farooq Abdullah's message Jammu and Kashmir Chief Minister

To Whom It May Concern

Swami Gian Giri Ji and his followers have been rendering free *langars* during Charri Mubarak days both near the Holy Cave and also at Baltal. Two sarais offer roofed shelter to the pilgrims to Shri Amarnath Ji Cave. Both these sarais are being repaired and renovated by Swami Gian Giri Ji.

It may not be out of place to mention here that these sarais were constructed by Swami Gian Giri Ji, founder of Shiv Ashram, in 1980 and were inaugurated by Sher-i-Kashmir Sheikh Mohammad Abdullah in the same year.

I have known Swami Gian Giri Ji for many years now. He, along with his followers, renders noble and charitable service, which is praise worthy.

I convey my sincerest best wishes to Swami Ji and his group for their services. I expect that our officials supervising the *Yatra* will facilitate his noble efforts in every way and enable him to conduct his *langar* without undue hindrance.

(Farooq Abdullah)

Srinagar,
July 29, 2001.

APPENDIX – V

High Court Judgement

High Court of Jammu & Kashmir, Jammu

LPA(OW) NO21/2005 Dated: 17-05-2004.

State of J&K Ram Pal Bathonia & others

M.LVarma, Sr. Advocate, with Mr. Anil Sethi, AAG

Mr. S.K Sukla, Advocate, for respondent No.1.

Mr. U.K. Jalali, Sr. Advocate, with Mr. Rohit Kapoor, Advocate, for respondents 2&3.

Admit

Issue notice. Mr. S.K. Shukla, Advocate, accepts notice on behalf of respondent No. 1. Mr. U.K Jalali, Sr. Advocate, accepts notice on behalf of respondents 2 & 3. Notice shall only be issued to respondent No. 4.

The appellant as well as respondents shall be at liberty to file additional pleadings and documents, if any, with advance copy to opposite party within a period of four weeks.

CMP No. 25/2005

Notice, accepted as above.

We have heard learned counsel for the parties at length.

As an immediate measure and without prejudice to the rights of parties, the following order is passed:

i. Shri Amar Nath Ji Shrine Board under the Chairmanship of His Excellency the Governor of Jammu & Kashmir, Lt. Gen. (Retd.) S.K Sinha, PVSM , shall convene a meeting of the Board within a period of ten days from today. The Board in the meeting shall associate Chief Secretary of the State, Divisional Commissioner Kashmir, Director General of Police,

J&K and the Commanding Officer, who shall point out any difficulty, which the Government may be facing in carrying out the decisions already taken by the Board and also the directions of the learned Single Judge. The Board shall also consider the difficulty, if raised by any of the party, objectively and then take decision afresh. We believe and hope that the decision would be taken unanimously with a spirit of working in tandem. The decision so taken by the Board shall be carried out faithfully and religiously by all concerned.

ii. In regard to duration of the *Yatra*, the Board has already put certain suggestions and the same would be deliberated in the meeting. In case of any change in the duration of the *Yatra*, the same shall be notified for information of the *yatries*.

iii. The registration of the *yatries* shall be done by all branches and extension counters of Jammu & Kashmir Bank Ltd. throughout the Country. Wherever the J&K Bank does not have its branch, then it shall make arrangement with any other bank(s) and that would be notified in the Press. The charges of registration would be Rs. 10/- per head and the form of registration to be filled-in by the *yatries* would be simplified and the Board shall provide its proforma to the Bank.

iv. The land to be allotted by the Board would be only for the purposes of user and would remain limited for the duration of *Yatra*. The Board shall also identify the site(s) to be allotted for the purpose of *langar*, erection of detachable/prefabricated huts and toilets etc., which would not be permanent in nature and are liable to be removed after the period of *Yatra* is over. The Board shall identify the person/agency to whom the site would be allotted so as to enable the State Government to screen the antecedents of the said person/agency. In case the State Government may have any valid objection in regard to any of person or agency, then permission shall not be granted to the said person/agency and in that eventuality the Board shall make some alternate arrangement.

At this stage Mr. U.K Jalali, learned senior counsel appearing on behalf of the Board, has stated at the bar that the Board or the persons to whom the site would be allotted for setting up of *langar* etc., would not indulge in deforestation.

Till final disposal of this appeal, the proposal of the Board of using radiant cooling panels designed and constructed by IIT Mumbai or by any other agency would not be put up at the Holy Cave.

In case of any difference of opinion, liberty is given to either of the party to approach this Court for clarification, if any required.

The parties shall be at liberty to make mention for hearing of the appeal on completion of the pleadings and filing of the documents.

CMP NO. 30/2005.

The present CMP filed by the State for placing on record copy of counter affidavit along with copies of various judgments is allowed and disposed of, subject to all just exceptions.

<u>Caveat Nos 186/2005 & 304/2005</u>

Heard. Discharged

Jammu
Dated: 17-05-2005 (Y.P.Nargotra) (V.K. Jhanji)
Judge Judge

NO:PS/PS(G)/08/01

APPENDIX – VI
High Court Judgement

ORDER OF THE DIVISION BENCH OF THE J&K HIGH COURT JAMMU PASSED IN LPA NO. 21/2005 DATED 17-05-2005.

"...The land to be allotted by the Board would be only for the purposes of user and would remain limited for the duration of *Yatra*. The Board shall also identify the sites to be allotted for the purpose of *Langar*, erection of detachable/prefabricated huts and toilets etc. Which would not be permanent in nature and are liable to be removed after the period of *Yatra* is over. The board shall identify the person/agency to whom the site would be allotted so as to enable the State Government to screen the antecedents of the said person/agency.

In case the State Government may have any valid objections in regard to any of the person or agency then permission shall not be granted to the person/agency and in that eventuality the Board shall make alternate arrangement..."

TEXT OF ORDER OF J&K HIGH COURTS DIVISION BENCH PASSED IN CMP (LPAOW) 33/05 IN LPA NO. 21/2005.

...CMP to be heard along with main case.

Subject to the objections and till further orders, order dated 20th May, 2005 vide which the Government Order No. 148-Fst of 2005 dated 29th March, 2005 was withdrawn, shall remain stayed. However, we make it clear that the duration of Government Order no. 148-Fst of 2005 dated 29th March, 2005 shall be preparatory to commencement of *yatra* and user would remain till end of *yatra*.

APPENDIX – VII
Cancellation of Land Transfer Order

Government of Jammu and Kashmir
Civil Secretariat Forest Department

Immediate:
Shri S D Sharma IFS
Principal Chief Conservator of Forests,
J&K, Srinagar
NO: FST/Land/37/2004 dated: 20-05-2005

Sub: Use of forest land by Shri Amarnath Ji Shrine Board for creating facilities for *yatris*

Sir,

Government Order No:148-Fst of 2005, dated 29-03-2005, has been withdrawn under Government Order No.210-Fst of 2005, dated 20-05-2005. The Withdrawal of the order became necessary because it was seen that the same had not been issued strictly in accordance with the provisions of the J&K Forest Conservation Act 1997 and the Cabinet decision regarding diversion of forest land. The processing had also been done in undue hast and some necessary procedures had been by-passed. Records indicate that some incompletion in processing of the case at field level have been attributed to the fact that the area was snow bound and joint inspection of the proposed sites was not possible at that time.

You are requested to process the case afresh, expeditiously, under the relevant provisions of the law/prescribed procedures. There should, however, be no shortcuts and all aspects, including the applicable court directives, should be taken into account.

The case may be processed on over-riding priority basis.

Yours faithfully,
(Sd/-Najamus Saqib)
Commr/Secretary to Govt.
Forest Department.

APPENDIX – VIII
Land Diversion Order

Government order sanctioning the land diversion

Department of Jammu and Kashmir Civil Sectt: Forest Department

Subject : Diversion of 39.88ha of forest land to Shri Amarnathji Shrine Board at Baltal and Domail for raising Buildings/Structures in Sindh Forest Division.

Reference : Cabinet Decision No. 94, dated 20-05-2008.

GOVERNMENT ORDER NO: 184-FST OF 2008, DATED 26-05-2008

Sanctioned is accorded to the diversion of forest land measuring 39.88ha falling under compartment No. 63a/Sindh, in block Kullan, Range Sindh, Sindh Forest Division, for raising pre-fabricated structures only for camping purpose of pilgrims without going in for construction of permanent structures at Baltal and Domail by Shri Amarnath Ji Shrine Board on the following terms and conditions :

1. The Proprietary status of forest land shall remain unchanged.
2. The forest land so diverted shall be utilized only for the purpose for which it has been diverted. It shall not be transferred to any other agency without approval of the Forest Department.
3. The forest land so diverted shall not be mortgaged, reassigned or subleased by user agency in any manner whatsoever to any other agency.
4. The User Agency shall pay Net Present Value of the forest land to the tune of Rs 2, 31, 30,400/- (Rs Two crore, thirty-one lacs, thirty thousand four hundred only) as calculated by the concerned DFO as per Hon'ble Supreme Court Order dated 30-10-2002 in IA No. 566 in Writ Petition (civil) No: 202 of 1995 T.N. Godavarman Thirumalpad VS Union of India.
5. The User Agency shall pay Rs. 19, 94,000/- (Rs Nineteen lacs, ninety-four thousand only) on account of Compensatory Afforestation to be carried over 79.96 ha.

6. The user agency shall take foolproof measures on modern scientific lines to ensure that any water of nearby Sindh Nallah does not get polluted.
7. Any damage done to the forest by user agency or its employees and contractors or people employed by them, shall be charged from the user agency at the rate of ten times the standard rate of 1992.
8. The forest land so diverted shall return to the Forest Department, free of any encumbrances, when it is no longer required by the User Agency.
9. The user shall construct complete retaining breast walls on both sides of road/railway line/earth work/ tunneling etc. and take other necessary steps so as to minimize soil erosion/land slips. In this regard, the user agency shall seek technical guidance from Director, Soil Conservation Department, J&K.
10. The user agency shall also pay any other amount which will become payable as per orders of Hon'ble Supreme Court or Government/Forest Department, J&K.
11. The user agency shall be responsible to get requisite clearance under any other relevant law in vogue.
12. The user agency shall submit an undertaking that in case of any upward revision of rates of Net Present Value, the user agency will pay the amount of differential Net Present Value.
13. The possession of Forest land diverted for non-forestry purpose under the orders of the competent authority should not be handed over to the user agency till all payment due against Compensation of trees is made. NPV Compensation of land, Compensatory Afforestation costs etc., are not deposited with Chief Accounts Officer in the office of the PCCF. Before handling over the possession of the forest land it should be further ensured that there are no outstanding dues with the said user agency in respect of the cases sanctioned in the past.
14. The user agency shall take all possible environmental safeguards in consultation with the State Pollution Control Board prior to erection of the pre-fabricated structures and their use by the pilgrims to ensure that no damage is caused to the ecology of the area.

The proposals stands cleared/approved by the Advisory Committee in its 39th meeting held under the Chairmanship of the Chief Secretary on 12th July, 2007.

By order of the Government of Jammu and Kashmir.

Sd/-
Principal Secretary to
Government,
Forest Department.

NO:FST/Land/41/2007
Dated:- 26-05-2008.
Copy to this: 1 to 8
(Various Department and Officers)

(M.A Hamdani)
Under Secretary to Government,
Forest Department

APPENDIX – IX
Land Revocation Order

Government of Jammu and Kashmir
Civil Secretariat Forest Department

Sub : No Agenda Item Diversion of 39.88 ha of forest land to Shri Amarnathji Shrine Board at Baltal and Domail for raising Buildings/ Structures in Sindh Forest Division.

Reference : Cabinet Decision No. 107/09 dated 01-07-2008.

Government Order No. 291-Fst of 2008 Dated 01-07-2008.

Government Order No. 184-Fst of 2008 dated 26-05-2008 vide which 39.88 ha of forest land was diverted to Shri Amarnathji Shrine Board at Baltal and Domail is hereby cancelled.

By order of the Government of Jammu & Kashmir.
Commissioner/Secretary to Government
Forest Department

No.Fst/land/41/2007 Dated 01-07-2008.

Copy to the:

1. Principal Secretary to Hon'ble Chief Minister.
2. Principal Chief Conservator of Forests.
3. Commissioner/Secretary to Govt. General Administration Department
4. Chief Executive Officer, SASB
5. Secretary to Government Tourism Department.
6. Chief Conservator of Forests, Kashmir.
7. Conservator of Forests working Plan and Research Circle (Member Secretary, Forest Advisory Committee).
8. Director Information, J&K.
9. Principal Private Secretary to Chief Secretary.
10. Private Secretary to Hon'ble MOS Forest.
11. Private Secretary to Commr./Secretary Forests.
12. Government Order/File (w.2.s.c)
13. Stock file.

APPENDIX – X
Land Revocation Order

"SASB need not pursue its earlier request for forest land"

Cabinet Decision No. 107/09 dated 01-07-2008

Subject: Diversion of 39.88 ha of forest land to Shri Amarnathji Shrine Board at Baltal and Domail for raising Building/Structures in Sindh Forest Division.

The Cabinet took note of the recent correspondence exchanged between HE the Governor, J&K (Chairman, Shri Amarnathji Shrine Board) and Hon'ble Chief Minister, J&K, on the issue of diversion of land measuring 39.88 ha falling under the compartment No 63a/Sindh, in Block Kullan, Range Sindh, Sindh Forest Division for raising pre-fabricated structures only for camping purposes of pilgrims, without going in for construction of permanent structures, at Baltal and Domail by Shri Amarnathji Shrine Board.

The Cabinet, in particular, noted the following excerpt forming part of HE the Governor's D.O letter dated the 29th June, 2008 addressed to the Hon'ble Chief Minister:

"In view of the State Government's firm commitment that the requirements and interests of the *Yatris* will be fully ensured and protected, the SASB does not need to pursue its earlier request for forest land being diverted for creating the required temporary facilities for the *Yatris* by the Board."

In the above context, following decisions were taken:

Government Order No. 184-Fst of 2008 dated 26-05-2008 vide which 39.88 ha of forest land was diverted to Shri Amarnathji Shrine Board at Baltal and Domail is hereby cancelled.

Recognizing the capacity and capability of the State Government, reiterated its full commitment to discharge all the responsibilities of undertaking the creation of required infrastructure and providing full logistical support for making available various services with a view to fully ensuring and facilitating the welfare, safety and security of the

pilgrims during the entire period of *Yatra*. For this purpose, land would be made available to the Tourism Department, as per requirement, at various locations from Jammu onwards to the Holy Cave via Baltal-Domail as well as Pahalgam *Yatra* routes.

It was emphasized that the State Government is fully committed not to interfere in the religious affairs of the Shri Amarnathji Shrine Board.

The Tourism Department is directed to make adequate provisions in annual budgets, keeping in view the ever increasing number of *Yatris*, so that not only are the existing facilities for pilgrims properly maintained but also that these upgraded further form year to year.

Secretary to the Cabinet
Principal Secretary to Government; Forest Department Commissioner/
Secretary to Govt., General Administration Department.
Secretary to Government, Tourism Department.

APPENDIX – XI

Rajnath Singh's letter to Manmohan Singh

Rajnath Singh
Member of Parliament

President
Bharatiya Janata Party
11 Ashoka Road
New Delhi

Date : 27.06.2008.

Dear Shri Manmohan Singh Ji,

I would like to draw your attention to the issue of allotment of nearly 40 hectares of land to the Shri Amarnath Shrine Board which has led to the current spate of violence being unleashed by certain vested interests.

Recent media reports indicate that the Government might consider revoking the allotment on this issue. Such a decision could lead to serious implications which in turn can vitiate the atmosphere of communal harmony throughout the country.

I would like to bring to your notice that the decision to allot land to SASB was taken by the Jammu and Kashmir Cabinet earlier this year. By withdrawing the allotment the Centre could further send a signal that the Government has buckled under pressure and surrendered to the pressure tactics being applied by certain separatists and anti-social elements within the state.

It would be prudent to also note that as part of our secular fabric, if there is no opposition to the Haj subsidy being provided by the Government, then how can the Government even appear to vacillate on such a sensitive issue of allotting land to the SASB. The Government needs to ensure that it does not discriminate between any religion or community when it comes to the issue of facilitating the devotion of millions of pilgrims.

I hope that you will consider all aspects on the issue and thereafter direct the State Government to end this current impasse. In the absence of the Government failing to resolve this current crisis, it would not only snowball into a bigger controversy but can also further strengthen those elements which are inimical to the unity and integrity of India.

With regards,

Yours Sincerely,
(Rajnath Singh)

Dr Manmohan Singh
Hon'ble Prime Minister of India
7, Race Course Road
New Delhi.

APPENDIX – XII
Leela Karan Sharma's letter to N.N Vohra

Shri Amarnath Yatra Sangharsh Samiti
Gita Bhavan, Parade, Jammu.

July 31, 2008

Dear Shri N N Vohra,

Thank you very much for your invitation letter, which was sent to me by your Principal secretary Shri B B Vyas on July 29.

In this context, Shri Amarnath Yatra Sangharsh Samiti (SAYSS) would want your good-self to take a couple of steps to end the ongoing mass struggle in Jammu province against those in Kashmir and Jammu who outraged the religious sentiments of the Hindus across the country by opposing the May 2008 Cabinet decision under which 800 kanals of land at Baltal-Domail was transferred to the Shri Amarnath Shrine Board (SASB) for creating facilities for pilgrims on a temporary basis during the *Yatra* period.

To be more precise, the SAYSS wants your good-self to (1) withdraw the letter you wrote on June 28 to the Congress-led Government asking it to take back the said piece of land from the SASB and manage the whole Amarnath *Yatra* and (2) revoke the July 1 Congress-led minority government decision withdrawing the earlier Cabinet decision.

The Hindus across the world and such respected Muslim bodies as the All-India Muslim Personal Law Board, the Deoband School and the Jammu-based socio-religious Muslim organizations want your good-self to undo the wrong in the larger interests.

In fact, this is the only way your good-self can assuage the hurt feelings of the Hindus and restore peace and normality in the State.

Your good-self can do it in no time by using powers under section 92 of the Jammu and Kashmir Constitution.

Even otherwise, such an action on your part has become absolutely imperative considering the fact that the State Government has subverted the cardinal principles of secularism in order to appease the separatist and communal elements in the Kashmir Valley.

The SAYSS sincerely believes that your good-self would realize the gravity of the situation and meet the two basic demands of the Hindus.

With very warm regards,

Yours Sincerely,
Leela Karan Sharma
Convener

Shri N N Vohra
Governor of J&K
Jammu

APPENDIX – XIII

Leela Karan Sharma's letter to Shivraj Patil

Shri Amarnath Yatra Sangharsh Samiti
Gita Bhavan, Parade, Jammu.
August 9, 2008.

To

Sh. Shivraj Patil,
Hon'ble Union Home Minister
Government of India.

Sir,

We have chosen to address your good-self in a situation where an all-out repression and intimidation has been unleashed by the State Government on the people of Jammu to suppress their views. It is very imperative to mention at the outset that the people of Jammu belonging to all sections of society felt outraged when the land diversion to Shri Amarnath Shrine Board for building temporary facilities for the pilgrims visiting the Holy Cave of Shri Amarnathji cancelled. Since then entire population of Jammu is agitating for revocation of this cancellation. All of us are committed to continue our struggle till this objective is achieved.

We have also been demanding the recall of the present Governor. The reasons for this are very simple and clear. The new Governor Sh. N.N Vohra, as the Chairman of Shri Amarnath Shrine Board (SASB), in a blatant violation of the provisions of SASB Act asked the Government to take over the land diverted to SASB at Baltal. The selective and partisan manner in which the Governor of the State has behaved since then has led to the total erosion of the credibility of the constitutional office of the Governor.

It is unfortunate that some segments of the State overnment and the Central Government are describing the agitation as divisive and communal. Sir, we would like to state that this agitation has been supported by all sections of the society in Jammu cutting across party affiliations and religious denominations.

Sir, the support of all segments of society belonging to different religions and castes to this mass movement is because all of them consider the objectives of agitation as just and sacrosanct.

We request you to seriously ponder over the implications of the opposition to the land diversion to SASB, particularly in the Kashmir Valley. Isn't the opposition to providing temporary land facilities for building temporary facilities for Hindu pilgrims a brazen expression of intolerance and exclusivism? And, isn't the Government decision to revoke the land diversion to SASB an expression of capitulation to communal fundamentalism? People in Jammu ask whether the protection and perpetuation of communal politics in Valley has become a cardinal principle of State policy being pursued by the Government of India.

Sir, for more than a month, people have been agitating peacefully along the length and breadth of the Jammu province. People come out holding the tri-color in their hands and chanting the spiritual *mantra* 'Bam Bam Bhole' and "Bharat Mata ki Jai", all along the day defying curfew only to raise their voice against the capitulation of the Government before the politics of intolerance and exclusion practiced by an overwhelming section of the political class in the Valley.

It is now more than a month now that your Government has chosen to take some cognizance of the happenings in Jammu. But you have chosen to take notice only after unleashing repression which includes gagging of the press, disruption in TV and Cable network, banning the SMS services and harassing and assaulting the people of Jammu. This repression let loose by the Government has taken the life of many innocent people.

Sir, you should be aware that the State crackdown has not even permitted patients, doctors and pregnant mothers in labour to reach hospitals. Hundreds of people have been arrested without revealing their whereabouts. It seems that the Government of India has chosen

to openly reward the intolerance practiced in Kashmir Valley and punish the expression of dissent against this intolerance in Jammu.

Sir, we want to make it clear that we want peace, amity and brotherhood. Your Government has also to demonstrate whether it is committed to these ideals beyond the rhetorical proclamations. Our demands are legitimate, rightful and without any prejudice to anybody. We take this opportunity to submit before your good-self the demands of this agitation.

1. Change Sh. N.N Vohra as the present Governor of the State. This will help in building a congenial atmosphere in Jammu.
2. Withdraw the letter written by Sh. N.N Vohra, dated 29th June, 2008 as the Chairman of Shri Amarnath Shrine Board to the State Government asking it to take over the land diverted to SASB.
3. Reverse and rescind the decision of the State Cabinet of July 1, 2008 accepting the request of the Chairman of SASB, and restore the land at Baltal to SASB.

Sir, these demands are very easy to be fulfilled without any legal or legislative implications. Nothing less than this will be acceptable to the people of Jammu.

With respectful regards,

Yours sincerely,
(Leela Karan Sharma)
Convener

APPENDIX – XIV

L.K. Advani's letter to Manmohan Singh

Bharatiya Janata Party
11, Ashoka Road
New Delhi – 110001 Dated: August 13, 2008.

Dear Prime Minister,

It is with a deep sense of disappointment that I am writing to you with regard to the issue relating to the transfer of land to Shri Amarnathji Shrine Board for the purposes of providing facilities to the pilgrims who visit the holy shrine each year. It appears that the government is completely out of its depth in dealing with this issue. We are also convinced that the government is not very serious about a solution to this problem.

The people of Jammu division have suffered from a gross discrimination in the matters relating to the governance of the State. The census is not fairly and regularly done. The delimitation is deferred; there is discrimination in the matter of public employment, disbursal of funds and development of the region. They are told on each occasion that the Kashmir Valley has a "psyche" and therefore the government is to submit to that "psyche" and if fairness is shown to the people of Jammu, the "psyche" of the Valley will be hurt. Recent events have shown that the people in Jammu are now determined to assert in order to claim their fair share in the matter of both governance and development of the region.

Let it be clearly understood, the problem in J&K is not Hindu versus Muslim; nor is it even Jammu versus the Valley. It is essentially nationalists versus the separatists. The people of Jammu supported by the rest of the country strongly feel that the revocation of the Cabinet order with regard to Amarnath was purely under separatist pressures. There is a huge sense of hurt and injury in Indian public opinion which has resulted in the nationalist opinion being alienated because the separatists have to be pleased.

The protest of people of Jammu has been nationalist; they hold the national flag to their heart, even when they protest. They raise slogans in support of our motherland and also the Indian army. It is for this reason that both the army and security forces are finding it difficult even to enforce the curfew. Can this group of nationalists be equated with the separatists who foment trouble in our country? This precisely is the mistake that the government is committing.

A question is being raised as to how the current problem is to be resolved. If the government is really serious about resolving the problem, it must just act straight. Follow the law and follow the judicial orders and you reach the correct solution.

There is an Act of the Jammu and Kashmir legislature, called "The Jammu and Kashmir Shri Amarnathji Shrine Board Act, 2000". This Act provides for the constitution of the Shrine Board and also defines the duties of the Board. Section 16 of the Articles reads as under:-

16. Duties of the Board

Subject to the provisions of this Act and of any bye-laws made there under, it shall be the duty of the Board:

1. (*a*) to arrange for the proper performance of worship at the Holy Shrine;
   (*b*) to make arrangements for the proper performance of worship by the pilgrims;
   (*c*) to make arrangements for the safe custody of the funds, valuables and jewelry and for the preservation of the Board Fund;
   (*d*) To undertake developmental activities concerning the area of the Shrine and its surroundings;
   (*e*) To make provision for the payment of suitable emoluments to the salaried staff;
   (*f*) To make suitable arrangements for the imparting of religious instructions and general education to the pilgrims;
   (*g*) To undertake for the benefit of worshippers and pilgrims:
   (*i*) the construction of buildings for their accommodation ;

(*ii*) the construction of sanitary works;
(*iii*) the improvement of means of communication.

(*h*) To make provision of medical relief for worshippers and pilgrims;

(*i*) To do all such things as may be incidental and conducive to the efficient management, maintenance and administration of the Holy Shrine and the Board Funds and for the convenience of the pilgrims;

It is clear that it is the duty of the Shrine Board to provide facilities for performance of worship by pilgrims, development activities around the Shrine, to undertake construction of buildings for accommodation of the pilgrims, to provide sanitation facilities to the pilgrims, to provide for communication, medical relief etc to the pilgrims. It is the duty of the State to enable the Shrine Board to become effective in order to discharge its duties in an effective manner.

This Act is in consonance with the secular polity of India. The government does not run religious institutions nor does it manage them. This function is best left to the institutions of every religious denomination. This mandate emanates from the provisions of Articles 26 and 27 of the Constitution which are reproduced hereunder:-

Article 26

Freedom to manage religious affairs:

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right :

(*a*) to establish and maintain institutions for religious and charitable purposes;
(*b*) to manage its own affairs in matters of religion;
(*c*) to own and acquire movable and immovable property; and
(*d*) to administer such property in accordance with law.

Article 27

Freedom as to payment of taxes for promotion of any particular religion.

No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religious denomination.

All faiths deserve equal respect. And the State should not discriminate between followers of different faiths. This is the meaning of Indian secularism. It enjoins on us to create proper amenities, with necessary infrastructure, at the pilgrimage centres of all communities. There can be no double standards in this matter.

The mandate of Article 26 is that it is for the religious denomination to establish and maintain its religious places and to mange the affairs of their religion. It is entitled to acquire movable and immovable properties and administer them in accordance with law. It is precisely on account of the mandate of Article 26 that the SGPC manages the affairs of Sikh religious institutions, the Wakf Board looks after the affairs of Muslim religious institutions and shrines as also the various religious endowments are managing Hindu religious institutions under various religious statuary enactments.

The spirit of Article 27 makes it clear that a secular State does not spend the taxpayers' money on religious purposes. It is the contributions of that particular religious denomination which will be used for running the affairs of the religion's activities. It is precisely for this reason that the Jammu & Kashmir Shri Amarnath JI Shrine Board set up under the Act requires to be strengthened so that the Shrine Board itself can discharge the functions of providing facilities to the pilgrims and managing the religious Shrine. This duty is necessitated because of the climatic conditions at such heights where the Shrine is located. It is the duty of the State to allocate land to the Shrine Board so that the provision of facilities can be made by the Board.

Any decision of the government the effect of which is that the Shrine Board will not provide these amenities and that they would be provided by the Tourism Department of the government is both contrary to the letter and spirit of Article 26 and 27 of the Constitution, as also 'The Jammu & Kashmir Shri Amarnath Ji Shrine Act, 2000'. Since the State of Jammu & Kashmir was not allocating any land to run the functions of the Shrine Board effectively, a writ petition was filed in the Jammu and Kashmir High Court in which the High Court passed a detailed judgment on 15-04-2005 wherein a Single Judge of the High Court issued certain directions to the government. With regard to the provision of amenities the High Court Single Judge held that:

"Since the Board intends to upgrade the infrastructure across the tracks and at different places, the State shall immediately permit

the user of land by the Board if already not allowed to carry on developmental activities for the benefit of the *Yatra*. I am informed that the Forest Department has already granted permission to the Board for this purpose. Let necessary steps in this regard be taken immediately before the *Yatra* commences this year. The effective steps are to be taken by the concerned State authorities for effective implementation of the decision of the Board and no interference is caused by any of the State agencies on implementation of the decision of the Board."

An appeal was filed by the State of Jammu & Kashmir against this order of Single Judge. But this part of the judgment was not stayed by the Appeal Court. On 17/05/2005 the Division Bench of the High Court passed an interim order wherein it issued certain directions with regard to the *Yatra*. A fear was expressed that the Shrine Board would transfer land allotted to it for user of the third parties. The Division Bench clarified this and stated as under in its interim order:

"The land to be allotted by the Board would be only for the purposes of its user and would remain allotted for the duration of the *Yatra*. The Board shall also identify the sites to be allotted for the purposes of '*Langar*', erection of detachable pre-fabricated huts and toilets etc. which would not be permanent in nature and which are liable to be removed after the *Yatra* is over. The Board shall identify the person/agency to whom the site would be allotted so as to enable the State Government to screen the activities of such person/agency….."

It is thus clear that to discharge its obligations under the Act, the State Government has to allocate land to the Shrine Board. The Shrine Board can allot it further to third parties only during the tenure of the *Yatra* for the purposes of erecting temporary and pre-fabricated structures for providing amenities to the pilgrims.

The above is the present state of the legislation and the judicial orders. Can any body dispute that law passed by the State Assembly should not be implemented? Does the Government of India or the Governor of the State have an option not to implement the judicial orders ?

A joint reading of the legislation and the court orders leads to a clear conclusion. The duty of providing amenities to the Pilgrims is of the Shrine Board. The government has to give land to the Shrine Board for user. The Shrine Board may request others to put up temporary

structures during the tenure of the *yatra*. The revoked Cabinet order precisely sought to implement the legislation and the judicial directions.

The decision of the Governor to return the land allotted to the Shrine Board back to the government is contrary to the provisions of 'The Jammu & Kashmir Shrine Board Act'. The Governor as the Chairman of the Board has no power to alienate the rights of the Board. He acted contrary to the law by not consulting the Board. Land given to the Board was pursuant to the direction of the High Court. The decision to cancel the land allotment to the Board is a violation of the High Court orders and amounts to contempt of the orders dated 15-04-2005 and 17-05-2005.

Is it the Government of India position that because of the separatist pressures the legitimate court orders and the legislation cannot be implemented ? Is it the Government's perception that the pilgrims going on Shri Amarnath Ji *Yatra* will not be or cannot be allowed amenities and that the State would manage the affairs of the religious places rather than a legally empowered Shrine Board. It appears that the Government of India has misread the nationalist mood of the people of Jammu which is also supported by strong public opinion in the country. This is the first time in history that Government has succeeded in even alienating nationalist opinion. The court orders need to be compiled with. The mandate of the legislation has to be obeyed. The constitutional right to religion of the pilgrims has to be made effective. The myopic attitude of the Government and its snail-like speed in finding a solution has allowed the situation to escalate.

I feel greatly saddened by the loss of so many lives, be it in Jammu or in Kashmir Valley. The Government should, at least at this late hour, recognize the gravity of the situation and speedily take a just and fair decision, rather than adopt a do-nothing policy.

We urge the government to act immediately and to restore the original Cabinet order, which sought to enforce both the law and the judicial orders.

With regards,

Yours sincerely,
(L.K. ADVANI)

Dr. Manmohan Singh,
Hon'ble Prime Minister
Government of India
New Delhi.

APPENDIX – XV

B.B. Vyas's letter to Leela Karan Sharma

B. B. Vyas, IAS
August 18, 2008.
Chief Executive Office,
Shri Amarnath Shrine Board, Srinagar

Dear Leela Karan Sharma Ji,

Thank you for your letter dated August 16, 2008.

1. At the outset, on behalf of the four-member Committee set up by His Excellency the Governor of J&K to hold negotiations with Sangharsh Samiti, I deem it appropriate to clarify that it has never been the intention of the Government and/ or the Administration "to buy time to delay the matter". The Government is extremely keen to work out an amicable resolution of the core issues, in an acceptable manner, on most immediate basis, in the context of the prevailing security environment across the State, including in the Jammu Division.
2. The Committee also holds the view that the core issues need to be approached, both by the Committee and the Samiti in a spirit of mutual trust keeping in view the larger public interest. It is the hope and expectation of the Committee that free exchange of ideas during the discussions will indeed throw open specific measures to address all pressing concerns. It may be observed that the Committee will, during the discussions, offer substantive suggestions/proposals on the core issues. It needs to be appreciated that it may harm the Committee-Samiti interactions, if the details of such proposals are put on record, in writing at this stage.
3. Therefore, with a view to making the discussions altogether focused and meaningful, the following core issues are

recommended for discussion as a part of the possible agenda for the meeting :

(*a*) Reconstitution of the Amarnath Shrine Board so as to provide for higher local representation in terms of appointing permanent residents of J&K as members.

(*b*) Fleshing out, in appropriate in detail, the role/duties of Shrine Board to ensure that provisions of Section 16 of the Act are followed in letter and spirit and the functioning of the Board is strengthened in every required manner.

(*c*) Need/desirability of evolving mechanisms for retaining overall responsibility for *Yatra* arrangements with the Shrine Board without any dilution in its role. Needless to add, all other stakeholders will perform their legitimate role under the umbrella responsibility of the Board.

(*d*) Assessment of the total requirement of land by the Shrine Board and the existing availability at various locations.

(*e*) Working out an arrangement for use of 800 kanals of land at Baltal-Domail with the Shrine Board during the period of *Yatra*.

4. In the circumstances, on behalf of the Committee, I once again request to set in motion the process of discussions and dialogue without getting into protracted correspondence. It may be recalled that the Governor had personally heard a delegation of the Samiti on 31 July, 2008, at Jammu. It is extremely necessary to ensure that no further time is lost in evolving acceptable resolution of all outstanding issues.

With regards,

Yours sincerely,
(B.B Vyas)

Shri Leela Karan Sharma,
Convener,
Shri Amarnath Yatra Sangharsh Samiti
Geeta Bhavan, Jammu.

APPENDIX – XVI

Manmohan Singh's letter to L.K. Advani

Manmohan Singh,
Prime Minister of India

Dated: August 23, 2008.

Dear L.K Advani,

1. I have received your letter of 13th August. Let me, at the outset, say that I fully share your sense of disappointment on the issue of finding a solution to the problem currently afflicting the sensitive State of Jammu and Kashmir. In the context of the controversy surrounding the diversion of land for providing facilities to the pilgrims who visit the Holy Shrine of Shri Amarnath Ji each year. This is despite our efforts to build a national consensus in the matter and avoid a situation which could put in jeopardy the integrity of the State of Jammu and Kashmir and affect the integrity of the nation.
2. As far as the perception of the people of Jammu region of having suffered from gross discrimination is concerned, I would only like to say at this juncture, and I am sure you would agree, that this is not an issue that can be addressed or redressed overnight. Its articulation in present context can only create difficulties in the efforts being made to defuse the situation, besides sharpening differences between the two regions of the State. This is clearly not in the national interest. You are, however, aware that the aspect of balanced regional development has been given due emphasis in the strong steps recommended by the Round Table Conference on Jammu and Kashmir which this Government had initiated, as also in the special development package announced for Jammu and Kashmir.
3. I entirely agree with you that the problem in J&K today should not be viewed in terms of Hindu versus Muslim or Jammu region versus the Valley. Unfortunately, however, the persisting agitations

in both regions appear to be feeding into each other, and the danger is that, if the situation is not quickly diffused, precisely the divisions mentioned earlier could gain ground.

4. You have raised certain constitutional and legal issues in your letter. As a Government, we are committed to uphold the provisions of and the values enshrined in, our Constitution. This is our solemn duty which the Government will faithfully discharge. Article 25 and 26 contain certain prescriptive rights vested in the citizen, and these will be abridged in any manner. This does not in any way, however, preclude the State from taking all suitable steps to promote conditions that would facilitate the exercise of those rights particularly by providing facilities and amenities at important centres of pilgrimage. Several State Governments have actively facilitated the exercise of the rights and freedoms enshrined in Article 25 & 26 as is evident from the infrastructure and the arrangements made for facilitating pilgrimages such as the Char Dham and the Kumbh Melas in Haridwar, Allahabad and elsewhere. I believed the provisions of the 'Jammu and Kashmir Shrine Amarnath Ji Act 2000' should be viewed in this context. The State is clearly not excluded from providing proper facilities for pilgrims, as also in ensuring their smooth travel, their stay, their safety and their security.

5. In your letter, you have referred to certain decisions of the Jammu and Kashmir High Court dated 15-04-2005 and 17-05-2005. However, I have been informed that the cancellation of the order by which an additional 39 hectares was approved to be diverted from forest to non-forest use for the creation of certain temporary facilities by the Shrine Board is not violative of any existing judicial directive. The implications of the High Court orders, in particular rights and obligations of various parties, can be examined. If these orders point to an outcome which will be considered satisfactory by all interested parties, there should be no objection to exploring that path. The important thing to note is that all parties are agreed that the *yatris* to the Shri Amarnath Shrine should be provided all reasonable facilities and amenities. At the All Party meeting in Delhi on August 6, at which your

party was also represented, there was consensus to that effect. As to the respective responsibilities of the State Government and the Shrine Board for the provisions of facilities and amenities to the *yatris*, this is a matter which can be sorted out through dialogue and discussions. You will agree with me that a final settlement ought to have the support of the mainstream public opinion both in Jammu and the Kashmir Valley. However, I wish to emphasize that the State has no intention of involving itself in any matter in the religious affairs related to the *yatra* which are left entirely to the Shrine Board.

6. The need of the hour is that the heightened sentiments and tempers provoked in the wake of the above controversy do not get further aggravated. All sections of polity in our country should assiduously work to create an environment in which matters are resolved amicably and in a spirit of reconciliation and understanding. Shri Amarnath *Yatris,* who visited the Holy Cave this year, have given a very positive feedback about the arrangements as well as the positive attitude and cooperation of the local population in the conduct of the *yatra*. This is something that we need to preserve for all time. The continuing agitation over the revocation of the transfer of land to the Amarnath Shrine Board needlessly vitiates the atmosphere.

7. I would also like to categorically mention here that there is no question of any action being taken under pressure of the separatists. The controversies that have arisen can be resolved amicably and in a spirit of reconciliation if we were all to put our weight behind it. I would request you to use your influence with the leaders of the agitation in Jammu and persuade them to suspend the agitation and help create an atmosphere conducive to a mutually satisfactory solution to this complex problem. The Governor has invited the representatives of Sangharsh Samiti for a dialogue with the representatives of the Government and I sincerely hope that we can count on your support for the initiation and successful conclusion of this dialogue.

8. Let me end by stating that there should be no doubt whatsoever about our determination to defend the unity and integrity of our country. We will not allow the separatist to create any confusion

on this score. At the same time, our doors are always open for a meaningful dialogue to deal with legitimate concerns and to find constructive solutions thereof. We would deal with legitimate concerns of the people in Jammu in the same way as we would in the valley. Our efforts would be to win the hearts and minds of the people both in Jammu and Valley.

With regards,

Yours sincerely,
(Dr. Manmohan Singh)

L.K Advani,
Leader of Opposition, Lok Sabha,

New Delhi.

APPENDIX – XVII

(SAYSS-Government agreement
Signed at Jammu's Guest House at 4.40 AM on August 31, 2008)

Based on detailed discussions and deliberations held in recent weeks, the following framework of action for resolving the issue relating to the use of land for the period of *Yatra* by the Shri Amarnathji Shrine Board, at Baltal and Domail, has been agreed to :-

A. The State Government shall set aside for the use by Shri Amarnathji Shrine Board exclusively, the land in Baltal and Domail (compartment No 63/5, Sindh Forest Division) comprising an area of 800 kanals under use for the annual *Yatra* purposes.

B. The proprietary status/ownership/title of the land shall not undergo any change.

C. The Board shall use the aforesaid land for the duration of the *Yatra* (including the period of making the required arrangements and winding up of the same) for the purpose of user by various service providers according to its needs and priorities.

D. The aforesaid land shall be used according to the Board's requirements, from time to time, including for the following :

I. Raising of temporary pre-fabricated accommodation and toilet facilities by the Board;
II. Establishment of tented accommodation by private camping agencies (locals, permanent residents of the State) ;
III. Setting up of the shops by shopkeepers (locals, permanent residents of the State);
IV. Facilities for *Ponywallahs* and *Pithuwallahs*;
V. Provision of healthcare and medical facilities;
VI. Setting up of free *Langars* by private persons and groups which are licensed by the Board;
VII. Facilities for helicopter operations/parking of vehicles;
VIII. Arrangements of security by local, paramilitary forces and other security agencies as per the arrangements in place

here-to-fore; and

IX. Undertaking measures relating to soil conservation, land protection and preservation on ecology.

2. It has further been agreed that the Board shall continue to remain responsible for the overall arrangements of the *Yatra* on both the routes during the *Yatra* period, including all arrangements as mentioned under the provisions of the Shri Amarnathji Shrine Act, 2000 AD.

3. Apart from the above, the Committee set up by the *Samiti* had, during the course of discussions, presented a fourteen-point "Charter of Demands" for consideration by the State Government. The main demands relate to withdrawal of criminal cases against various persons during the period of agitation, provision of compensation to the families of the deceased and to the injured and working out of appropriate packages of financial assistance to compensate losses of the transport sector, trade and industry, horticulture sector, hoteliers and tourist operators. The State Government has agreed to examine all these demands in an appropriate manner on time bound basis.

4. In particular, as regards the registration of criminal cases against various persons during the period of agitation, it is agreed that all cases of non-serious nature, which shall mean bailable and compoundable, will be withdrawn. The remaining cases will be reviewed, on the merit of each case, by a committee headed by Shri Anil Goswami, Principal Secretary (Home) within 60 days. Till the completion of this process, no action will be taken in such cases.

   Also specific allegations of atrocities on agitators, based on prima-facie evidence, could be looked into by this committee.

5. Ex-gratia relief will be extended in favour of the next of the kin of the deceased and in favour of permanently disabled and the injured in all cases covered under the existing rules of the State Government.

6. Further, a Working Group, under the Chairmanship of Chief Secretary will address all compensation issues relating to both Jammu and Kashmir Divisions and the Central Government will be approached for extending enabling financial support to the

State Government for this purpose within a period of two months. To make the exercise meaningful, one representative from each affected sector will be associated with the deliberations of the Working Group.

The Shri Amarnathji Shrine Board will be reconstituted keeping in view the provisions of the Act and the past precedents.

It is agreed that the Law Department of the State Government will examine the issue of disposal of LPA in terms of the understanding made hereinabove within one month.

Signed
(S. S. Bloeria)
Advisor to Governor of J&K

(Leela Karan Sharma)
Convener
Shri Amarnath Yatra Sangharsh Samiti

♦♦♦

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ABOUT THE AUTHOR



Born at Kathua in Jammu and Kashmir in 1945, the author is a well-known product of University of Jammu. He secured Ph.D. from the same university in 1976 and joined it as lecturer in history the same year. Nine years later, he was selected as reader by the same university. In 1992, he joined the Jammu University's History Department as professor of Modern Indian History and served the department as its head for two terms. Immediately after his retirement in March 2006, the University of Jammu offered him the prestigious Maharaja Gulab Singh Chair. He is still serving in the University of Jammu as Chair Professor, Maharaja Gulab Singh Chair. In between, he served the National Council of Educational Research and Training (NCERT) as professor from September 2001 to May 2002 and supervised and got completed a comprehensive history project. He also wrote the history portion for *Contemporary India* – NCERT book prescribed for class IX. He served the Indian Council of Historical Research, New Delhi, as its Member from 1998 to 2004 as well.

Apart from the books, *Administration of Justice in Jammu and Kashmir*, *Muslims of Jammu and Kashmir*, *Beyond the Kashmir Valley* and *Debacle in Kashmir*, he has edited two books on the contemporary politics – Politics of autonomy in Jammu and Kashmir and Burning issues in Jammu and Kashmir — and co-authored one on B.R. Ambedakar. Besides, he has contributed hundreds of articles on contemporary issues to some leading international journals and national dailies, including Indian *Defence Review*, *The Hindu*, *The Hindustan Times*, *The Times of India*, *The Indian Express*, *The Statesman*, *The Pioneer*, *The Tribune*, *The National Herald*, *Dainik Jagran*, *Jan Satta and Amar Ujala*.

Besides, the author has supervised seven Ph. Ds and attended six international seminars, including two in London. One such seminar was held in the House of Commons.

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